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A GROUP OF GREAT LAWYERS OF  
COLUMBIA COUNTY  
NEW YORK



# A GROUP OF GREAT LAWYERS OF COLUMBIA COUNTY, NEW YORK

BY  
PEYTON F. MILLER,  
COUNSELOR AT LAW

WITH PORTRAITS

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*This volume is dedicated to the memory of my father, Theodore Miller, from whom I have learned many of the facts recorded, and to whom an acquaintance with some of the originals of these sketches and knowledge of the lives and achievements of others were an incentive and inspiration in his own career.*



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## PREFACE

THESE sketches have been prepared partly for the enjoyment of the author, but chiefly to arouse interest in and to preserve and proclaim the history of some of the men, who by their intellectual gifts and achievements have made Columbia county illustrious, and have helped to build the State and Nation.

I have availed myself of such books, letters, and manuscripts as I possessed and have found in the State libraries, the libraries of my friends, and elsewhere, though no formal references to authorities are given.

I must express my gratitude to the descendants of some of the distinguished personages, sketches of whom appear in this book, for their assistance in furnishing me facts and helping me collect the portraits.

A paper on the Anti-rent War, prepared by Hon. Theodore Miller, after his retirement from the bench, has also been included in this volume.

P. F. M.

HUDSON, NEW YORK,  
October, 1904.





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A  
GROUP OF GREAT LAWYERS OF  
COLUMBIA COUNTY  
NEW YORK







MARTIN VAN BUREN

## MARTIN VAN BUREN

EIGHTH PRESIDENT OF THE UNITED STATES

MARTIN VAN BUREN was born at Kinderhook, in Columbia county, December 5, 1782, and was descended from one of the earliest settlers of that town. These people were from Holland and were of a very superior class, having left their native land to escape religious persecution and the horrors and confusion of constant warfare. It is said his father kept a tavern. This is not improbable, as most of the people who then lived on the post-roads were prepared to entertain travelers and so might have been called tavern-keepers. We do know that he owned a farm, was possessed of moderate means, and reputed to be a man of intelligence, good sense, and the strictest integrity, and that he was always an active and enthusiastic Democrat.

The Van Burens were on an equality with their neighbors, the Hoeses, Pruyns, Van Allens, Vanderpoels, Van Schaacks, Van Vlecks, Vosburghs, and the other farmers of the vicinity.

No one assumed to be an aristocrat in those days, not even the great landlords, the Livingstons and Van Rensselaers. The whole land fairly pulsed with the love of liberty and a desire to establish the rights of people who had fled from tyrants to find freedom and peace. In an old house in Claverack I have often sat and gazed at a pair of andirons that were purchased about that period. Each is surmounted by a liberty-cap, and on the front of each there is a flag with thirteen stars, above which is the word "Liberty" and underneath the words "or Death." This was the spirit of that time, and the men who felt it were brave, earnest, honest, and strong. In the words of a recent writer of distinction: "Those who farmed the rich lands of Columbia county were pretty thorough Americans; their characteristics were more immediately drawn from the soil they cultivated, and from the necessary habits of their life, than from the lands, Dutch or English, from which their forefathers had emigrated."

Mr. Van Buren's mother was, at the time of her marriage to his father, a widow. Her maiden name was Hoes, and she was distantly related to the Van Buren family. She was said to be a woman of unusual wisdom and ability, and deeply religious. James I. Van Allen, a son

by her former marriage, was a lawyer of high standing. He was a member of the Constitutional Convention of 1802, twice surrogate of Columbia county, a judge of the county court, and, in 1808, a Member of Congress. He encouraged and, being possessed of means and a lucrative practice, assisted his half-brother, Martin, in his education. They were opposed to each other in politics, Mr. Van Buren being, as he was born, a Democrat, and Mr. Van Allen a Federalist.

Martin Van Buren was educated at the Kinderhook Academy, which was then and afterwards a school of high standing. At the age of fourteen he commenced his legal studies in the office of Francis Silvester, in Kinderhook. At that time seven years of study were required before admission to the bar.

At an early age Mr. Van Buren showed a keen interest in public affairs, and refused to form opinions upon them until after thorough investigation. His ability to engage in arguments was far beyond his years. From the commencement of his legal studies he was frequently employed in trials in justices' courts, which were then the schools for all young lawyers, and which gave scope for his talents and established for him a reputation of great ser-

vice in future years. His taste for politics developed at an early age, and he was most active in making speeches and in other efforts to further the cause of his party and aid his political allies. His last year as a law student was spent in the city of New York, in the office of William P. Van Ness, a distinguished lawyer, a native of Kinderhook, and one of the leading Democrats of the day. He was admitted to the bar in 1803, and then returned to Kinderhook, where, as a partner of his half-brother, Van Allen, he found himself engaged in an extensive practice. He entered into it with characteristic energy and industry. His interest and activities in politics were unabated, and his influence increased.

In February, 1807, he was admitted as a counselor of the Supreme Court. Shortly after this he married Miss Hannah Hoes, of Kinderhook, who was a relative of his mother. Mrs. Van Buren died in 1819, leaving four sons. Her husband, who had always been affectionate and devoted, never remarried.

In 1808 he was appointed surrogate of Columbia county, which office he retained until 1813. Early in 1809 Mr. Van Buren removed to Hudson and formed a partnership with Cornelius Miller, the father of the late Hon. Theo-



dore Miller. They did a large and lucrative business from the start, and the partnership continued until the death of Mr. Miller, although prior to that date Mr. Van Buren had removed to Albany.

During Mr. Van Buren's residence in Hudson the bar was especially distinguished for the brilliancy and ability of many of its members. Foremost among them was Elisha Williams, who as a popular speaker or before a jury was without a rival. He was an active politician and a leading Federalist, as Mr. Van Buren was a leader of the Democratic party. Benjamin F. Butler, who was a native of Columbia county, was a student in the office of Van Buren & Miller, and resided in the family of Mr. Van Buren. He became a most distinguished lawyer, and was Attorney-General in the cabinets of General Jackson and Martin Van Buren, acting Secretary of War from 1836 to 1837, and a lifelong friend of Mr. Van Buren's. In contrasting Mr. Van Buren and Mr. Williams he said: "Never were two men more dissimilar. Both were eloquent; but the eloquence of Williams was declamatory and exciting; that of Van Buren insinuating and delightful. Williams had the livelier imagination; Van Buren the sounder judgment. The former presented

the strong points of his case in bolder relief, invested them in a more brilliant coloring, indulged a more unlicensed and magnificent invective, and gave more life and variety to his arguments by his peculiar wit and inimitable humor; but Van Buren was his superior in analyzing, arranging and combining the insulated materials, in comparing and weighing testimony, in unraveling the web of intricate affairs, in eviscerating truth from the mass of diversified and conflicting evidence, in softening the heart and moulding it to his purpose, and in working into the judgments of his hearers the conclusions of his own perspicuous and persuasive reasonings."

During the years Mr. Van Buren resided in Hudson he industriously devoted himself to his profession, and while he entered into the social life of the town and was accessible to those who had business with him or desired to consult him, he spent much time in study, and burned the midnight oil with a student's enthusiasm. His reputation as a lawyer soon became firmly established, and his political influence grew more powerful. In 1812 he was elected a State Senator, and in 1815 was appointed attorney-general of the State and discharged the duties of that office for five years. In 1816 he removed

to Albany and was reëlected to the State Senate for a term of four years. Upon the death of his partner, Cornelius Miller, he formed a partnership with Benjamin F. Butler and continued in active practice until 1828, when the demands of his political career forced him to abandon his profession. He was at that time the most prominent lawyer in the State, and at the age of forty-six, after twenty-five years of untiring industry, patient research, and brilliant achievements, he retired, having amassed a comfortable fortune.

He was elected a member of the Constitutional Convention of 1821. On February 6, 1821, he was elected United States Senator. From the beginning of his term he exercised in the Senate the commanding influence he had wielded in his official life in his native county and State, and in February, 1827, he was re-elected. On the death of Governor De Witt Clinton in February, 1828, Mr. Van Buren was elected governor, and entered upon the duties of that office January 1, 1829. He resigned the office of governor March 12, 1829, having been appointed Secretary of State in the cabinet of General Jackson. In April following he commenced his official duties as Secretary of State, and on April 11, 1831, differences among

the members of the cabinet having arisen, he informed the President that he had determined to withdraw, but, at the request of General Jackson, continued to perform the duties of the office until in June, when he resigned.

The President immediately pressed him to accept the mission to the court of St. James, which he did, and arrived in England in September, 1831, where he was received with distinguished favor. Washington Irving was at that time in charge of the London legation, and although he had sent in his resignation, withdrew it at Mr. Van Buren's request. Together they drove through portions of England, visiting places made immortal by Irving's pen. During Mr. Van Buren's official sojourn in England he evinced great ability as a statesman and diplomat, and by the grace and charm of his manner, his well-bred air, his ability to know how and when to do and say exactly the right thing, he impressed those he met as a most polished and cultivated gentleman and an accomplished man of the world.

His nomination as Minister to England was submitted to the Senate January 7, 1832, and on the 26th of that month was rejected by the casting vote of the Vice-President. In reply to a letter from the Democratic members of the

Legislature of New York to the President, expressing, in the strongest language, their indignation at the act of the United States Senate and their high respect for the public and private character of Mr. Van Buren, General Jackson relieved him from any blame on account of the dissolution of the cabinet, and said: "During his continuance in the cabinet his exertions were directed to produce harmony among its members, and he uniformly endeavored to sustain his colleagues. His final resignation was a sacrifice of official station to what he deemed the best interests of the country." He also stated that Mr. Van Buren had reluctantly consented to his selection as Minister to England, and that those parts of the instructions to him which had been used to justify his rejection he (General Jackson) had suggested, and they were the result of his own deliberate investigation and reflection, and still appeared entirely proper and consonant to his public duty.

In May, 1832, General Jackson was renominated for the Presidency, and Mr. Van Buren nominated for the Vice-Presidency, and they were elected by a large majority. A few days before General Jackson died, in conversing of Mr. Van Buren with a visitor, he said: "I have

enjoyed a long and happy acquaintance with Mr. Van Buren and have ever found him perfectly honest; as a statesman, quick and penetrating, possessing a powerful mind governed by strict integrity; ever ready to sacrifice personal feelings for the good of his country and totally regardless of individual popularity when his duty called him to defend the rights of the people. . . . There is no man in the country that has ever been in public life, to my knowledge, who has passed a life with more purity in all his public and private duties. . . . He, like myself, has suffered, very unjustly, much persecution, but conscious of having done our duty here below, we must leave to a merciful Providence and an honest and enlightened public to render what is due to our memory when we are no more. . . . Say, sir, to Mr. Van Buren I would write to him if I could, but I cannot. I shall write no more."

In 1836 Mr. Van Buren was elected President, being the first man of Holland Dutch ancestry to hold that office, Mr. Theodore Roosevelt, the present incumbent of the office, being the second. In 1840 he was again a candidate, but was defeated by General William Henry Harrison. In 1844 he received a majority of the votes in the Democratic National Conven-

tion, but not two thirds, as was required. In 1848 he was the candidate of the Free Soil, or, in other words, the party opposed to the further extension of slavery; the convention which nominated him declaring that "Congress has no more power to make a slave than to make a king." He was defeated by General Zachary Taylor.

About the year 1841, after his term as President had expired, Mr. Van Buren purchased an estate called Lindenwald, on which a fine house had been erected by Peter Van Ness, the father of those three great men, John, William, and Cornelius Van Ness. This house was enlarged and extensively altered by Mr. Van Buren and is still standing. A wide hall runs through the center, on the walls of which there is a paper representing an English hunting scene. Spacious rooms are on either side. In this house Washington Irving lived twenty years before as a tutor in the Van Ness family, and wrote some of his best-known sketches. Here Mr. Van Buren settled down in dignified retirement, except at such times as he was called by his party to lead it, and two years spent in European travel. He usually had about him the members of his family, and the old halls and stately apartments rang with the merry voices

of happy children. He dispensed a gracious hospitality to his relatives and neighbors, and entertained some of the most distinguished people of this and other lands. Henry Clay, General Scott, Washington Irving, Thomas H. Benton, William L. Marcy, and Silas Wright were among his guests.

Between the President and his only brother, Laurence Van Buren, who lived in the village at Kinderhook, there existed an intimacy of uncommon depth. Scarcely a day passed without their meeting and spending some time together. They were a noticeable pair; they looked much alike, and with their whitened hair, fresh complexions, and clear-cut features, were sure to attract the eye and arouse one's admiration and respect.

The President had the faculty of remembering the name and face of every one he met. His manners were affable, and he carried himself with quiet dignity. He had been honest in all the high places he had occupied, and his career had been unparalleled in its success. His neighbors loved, admired, and respected him. They delighted to meet him on his drives and see him cantering along on his favorite saddle-horse, Duroc, being always certain of a courteous recognition, and frequently of a quiet



little talk, which they would treasure in memory.

The months that preceded the attack on Fort Sumter were to Mr. Van Buren full of gloomy forebodings. He foresaw some of the trials we would as a nation be called upon to bear. His patriotism never wavered; he declared himself boldly in favor of the preservation of the Union, and he watched events with the keenest interest until his death.

He died at Lindenwald, July 24, 1862. His funeral, which was unostentatious, was attended by large crowds of people from the neighborhood, and many distinguished persons from different parts of the country. He was buried in the cemetery at Kinderhook, where he lies among his kindred and old neighbors. His grave is marked with a simple granite shaft.

His will was executed in 1860, and makes what seems to be an equal division of his property among his children, giving to each of his grandchildren and some of his kin legacies as souvenirs, and committing to the care of his family certain relatives he had felt called upon to assist. The first clause of the will is in these words: "I, Martin Van Buren, of the Town of Kinderhook, County of Columbia and State of

New York, heretofore Governor of the State, and more recently President of the United States, but for the last and happiest years of my life a Farmer in my native town, do make and declare the following to be my last will and Testament.”

Martin Van Buren was certainly gifted with talents of the highest order, which he had developed in the highest degree. His integrity, the purity of his life, his kindness of heart,—for he was indeed without malice,—and the charm of his manners endeared him to all who knew him. Columbia county may justly be proud of having given such a man to the world.

His only living male descendant bearing the name of Van Buren is his grandson, Martin, a son of Smith T. Van Buren, who resides at Fishkill in this State.





SAMUEL J. TILDEN

## SAMUEL J. TILDEN

SAMUEL JONES TILDEN was born at the Tilden homestead in New Lebanon, in Columbia county, on February 9, 1814. His ancestors were Puritans, who came to this country in 1634. His father, Elam Tilden, moved from Lebanon, Connecticut, in 1790, and named his new home in honor of the one he had left. He owned a farm and was also a merchant. His letters indicate that he had received a good education. He was possessed of considerable influence, and was widely known and respected as a man of integrity and enterprise. While seldom a candidate for office, he was especially active as a politician, and his opinions on political questions were highly valued.

His son Samuel was a very delicate child, and at the age of three had an illness the effects of which he seemed to feel until his death. Physical weakness set him aside from people of his own age and debarred him from many outdoor pleasures and sports. He learned quickly, and was remarkably studious. When sixteen

he went to the Williamstown Academy, but was prevented from remaining there long by his ill health. He was sent to New York in 1832 to live with an aunt, but the climate not agreeing with him, he returned home. During the Presidential campaign of Jackson and Van Buren, an uncle came to visit his father, and there were many discussions between the two brothers about politics. Samuel was usually present and an attentive listener. After a few days he brought his father an address to the Democracy he had secretly prepared, which seemed to cover the issues of the campaign. Martin Van Buren, who had long been a friend of Mr. Tilden's, was at that time staying at Lebanon Springs. The latter took his son Samuel to call upon him, and submitted the address. Mr. Van Buren advised that it should be signed by several prominent Democrats and published in the *Albany Argus*. This was done, and the *Albany Evening Journal*, the opposition paper, announced that Mr. Van Buren was the author. The acquaintance thus formed ripened into a strong friendship which was unbroken, except by the death of Mr. Van Buren. Young Tilden's interest in politics continued and increased with his years. At the age of nineteen he made his first political speech.

In 1834 he entered Yale College, but remained only a short time, his health being in such a condition he was obliged to leave. In 1835 he entered the University of New York, but ill health again prevented him from completing the course. He wrote many articles upon political questions from time to time. He entered the Law School of New York University in 1838, the year it was organized. At the same time he was a student in the office of John W. Edmonds. He was admitted to the bar in 1841, and opened an office in New York at 11 Pine Street. During the early years of his professional career Mr. Tilden gave much attention to politics.

In 1846 he was elected a member of Assembly, and also a member of the Constitutional Convention of that year. He was active in the Free Soil campaign of 1848, and upon the formation of the Republican party by the Antislavery Democrats and Whigs in 1856, although importuned to join those who left the Democratic party, he declined, saying he felt he could do more good for his country by remaining in his party.

His increasing practice absorbed his attention, for he found himself retained in many important cases. He avoided taking small or un-

important ones. His success as a lawyer was remarkable; out of circumstances most disadvantageous and materials most meager he seemed able to secure victories for his clients.

The contest over the election of Azariah C. Flagg as comptroller of the city of New York, and the establishing of his rights to the office, and the defeat of the claim of Mrs. Cunningham to be granted letters of administration of the estate of the murdered Dr. Burdell, on the ground that she was his widow, and his victory in defending the suit of the Delaware and Hudson Canal Company against the Pennsylvania Coal Company established his reputation, and he ever afterwards was overwhelmed with clients and business of the most desirable and profitable character. He seemed to have had an especial talent for relieving corporations from needless litigations, and in reorganizing them in such a manner that they could be conducted with profit. He had unusual opportunities for the accumulation of wealth, and while he built up a large fortune, he seemed to take pride in doing so in a strictly honorable manner. The services he rendered were most valuable, still his charges were not exorbitant. He declined all contingent fees, and studiously avoided mixing himself up with questionable



people or cases. When Jim Fisk informed him he had paid one man \$125,000 in a year for legal services, Mr. Tilden ended the interview at once, feeling that no such sum could be earned within the period stated for legitimate services to a single client. In a letter defending himself from an unwarranted assault he closed with these words: "If the bar is to become merely a method of making money, making it in the most convenient way possible, but making it at all hazards, then the bar is degraded. If the bar is to be merely an institution that seeks to win causes, and to win them by back-door access to the judiciary, then it is not only degraded, but it is corrupt. . . . I believe that there will come a sounder and a better public sentiment, in which speculation and gambling, and jobbing and corruption, will lose their power, and in which free government will vindicate its right to the confidence of mankind. . . ."

Mr. Tilden's power as a lawyer arose from his learning and the force of his intellect. He indulged in no theatrical displays, did not depend upon technicalities, but brought all his strength to bear upon the weak point in his opponent's case. He was always cool and self-contained, and, as far as one could see, never lost his presence of mind, was never surprised,

and never embarrassed. He was a difficult person to find at his office, being in no sense punctual.

Mr. Tilden attended the adjourned meeting of the Democratic National Convention of 1860 at Baltimore, filling a vacancy in the delegation from New York. He made two speeches there, in which he predicted civil war in case there was a sectional division of the Democratic party. He did all in his power to avert war, but when it came he was an entirely loyal, unwavering Unionist. His position was "that of patriotic, constitutional opposition to supposed errors of administrative policy, openly coöperating with all the measures of the government of which he approved, and privately discouraging those of which he disapproved."

In 1867 he was elected a member of the Constitutional Convention. In 1866 he succeeded Dean Richmond as chairman of the Democratic State Central Committee. The Tweed Ring, knowing that Mr. Tilden distrusted them, tried unsuccessfully to have him deposed in 1869. What is known as the Tweed charter for the city of New York was passed in 1870. Mr. Tilden publicly stated that \$1,000,000, stolen from the taxpayers, was taken to Albany to secure its passage. Tweed and his con-

federates managed to obtain appointments to the various offices, and under its provisions started upon their career of plunder. Within a month after its passage the Board of Special Audit created by it had signed orders for the payment of over \$6,000,000, of which Tweed received twenty-four per cent. and the city realized about ten per cent., the balance being divided among the other members of the Ring, except \$250,000 which was sent to Albany to corrupt the Legislature. The percentage of theft reached sixty-six per cent. in 1870, and later eighty-five per cent. Fraudulent bills to the amount of \$12,250,000 were audited in 1870, and \$3,400,000 in 1871.

At a meeting of the Bar Association of the city of New York, in December, 1869, called to devise measures by which this wholesale robbery could be stopped and the robbers punished, Mr. Tilden made a speech, and the campaign against the robbers was opened. War was afterwards declared by the Democratic State organization against Tammany Hall, of which the Ring had obtained absolute possession, and which controlled in New York City a majority of forty or fifty thousand votes. The thieves were betrayed by one of their number, and a copy was obtained from a clerk in the comptrol-

ler's office of a series of entries, known as "secret accounts," which was published in the newspapers. On September 14 the comptroller of the city of New York applied to Mr. Tilden for an interview, and after going over the matter, under an enactment which authorized the comptroller to appoint a deputy and confer upon him for a definite period all his own official powers, he consented to and appointed Mr. Andrew H. Green. This was a fatal blow to the Ring.

Mr. Tilden was elected a member of Assembly in 1871, for the purpose of reforming the judiciary and procuring the impeachment of the judges who had assisted Tweed and his confederates, and to secure legislation to insure the punishment of the thieves and a restoration of their plunder. He cast aside all other occupations and devoted himself to this work. The leading members of the Ring were tried and convicted and much of their spoils recovered. Mr. Tilden had covered himself with glory, and stood before the world as a fearless reformer. The coöperation of his party and the honest men of New York City made success possible, but his leadership was marked with such ability, energy, and sagacity that he received, and richly deserved, the admiration and gratitude of all. He spent the summer of 1873 in Europe, in

search of much-needed rest. His services to the public had been so great, and he had performed them in such a brilliant manner, he had become a prominent figure in his State.

In 1874 he was elected governor. He found himself confronted by another gang of thieves, the Canal Ring. This was a band that by means of fraudulent contracts had plundered the State for many years. They had grown rich on their spoils and bold in their deeds. Their leaders, one a Republican and the other a Democrat, were adroit and able men. They took turns at the helm according to which party had the ascendancy. Mr. Tilden found them strongly intrenched. He entered boldly into the contest and succeeded in exposing their thefts, breaking up their organization, and introducing an honest administration of the canals. This, of course, added to Mr. Tilden's laurels, and, with the reputation he had already established as a man of ability, integrity, and determination, he became the logical nominee for the Presidency. In 1875 the degree of LL.D. was conferred upon him by Yale College.

At the Democratic National Convention held at St. Louis June 27, 1876, he was nominated for the office of President of the United States on the second ballot. The campaign was

characterized by great bitterness, and at the election 4,300,316 votes were cast for Tilden and 4,036,016 for Hayes. The country was in a state of suspense until the matter was finally settled. Mr. Tilden conducted himself with the greatest dignity, and suggested a course, which, if it had been followed in the solution of the problem, would have been constitutional and meted out exact justice.

I recall a conversation, at which I was present, between General George B. McClellan and a distinguished Democrat from the city of New York, who had been a Member of Congress and for many years active in military affairs, and an intimate friend of Mr. Tilden. He told us that immediately after the election, when the excitement was at the highest, he called upon Mr. Tilden and said that, in case of trouble, he begged he would command his services. Mr. Tilden turned, and with great solemnity said to him substantially: Colonel, there will be no trouble. I would rather yield all claim to the Presidency than be the cause of one drop of my countrymen's blood being shed. I shall rely on the honor of the American people and the justice of our laws.

He had not reckoned with what sort of people he would have to deal. Of the three hun-

dred and sixty-nine electors, one hundred and eighty-four Tilden electors had been unquestionably chosen. He needed one hundred and eighty-five. The four Tilden electors in Florida and the eight in Louisiana had received a majority of the votes cast and returned. A majority was claimed for the seven Tilden electors in South Carolina. The elections in these three States and the State of Oregon were contested by the Republicans. The returns from the doubtful States were manipulated in various ways so as to favor the Republican candidate. The matter came before the Electoral Commission, as it was called, which was composed of eight Republicans and seven Democrats; the Republicans being three Judges of the United States Supreme Court, three Senators, and two Members of Congress, and the Democrats, two Judges of the United States Supreme Court, two Senators, and three Members of Congress. The proceedings of the Commission were characterized by a disregard of law and justice and a spirit of unfairness. The Republican members voted every time to sustain the State returning boards where the majorities in favor of Mr. Tilden had been reversed, and to receive the vote of every disqualified elector. The end of the matter was

that the certificate of election was given to Mr. Hayes, and Mr. Tilden defrauded of an office to which he had been elected. This, I feel justified in asserting, was the opinion of all intelligent Democrats who were conversant with the facts and participated in the public events of that time, and many of the Republicans, notwithstanding their partisan prejudices. This base outrage was perpetrated by members of the Republican party. I am confident the rank and file of that party would have repudiated the act and shown their disapproval of it had they been permitted to understand the facts of the case. Mr. Hayes was inaugurated, and, with indecent haste in some instances, the persons who had directly assisted in the perpetration of the fraud, by falsifying the returns and otherwise, were rewarded with gifts of offices and other governmental favors for the dirty work they had done. Vicious persons at times gain control of political parties and do foul deeds for which the party as a whole should not be blamed.

The Tildens were, as a family, warm-hearted and affectionate people, and the family tie bound them more closely together than is usual. If Mr. Samuel J. Tilden had been endowed with the lovable and attractive qualities of his brother Henry, his hold upon the affections of the



people would have been so great this fraud would never have been attempted; but he was by nature cold and unsympathetic, he possessed no charm of manner, he inspired awe and not affection.

In 1877 the severe strain that he had borne for years began seriously to affect his health, and he went abroad for several months. He was not materially benefited by his travels. In 1880 and in 1884 he declined to be the Democratic nominee for President, not feeling sufficiently strong to enter again the arena of politics. He lived a semi-retired life at his beautiful residence on Gramercy Park in New York, and his fine country seat, Greystone, a short distance above Yonkers. There we hear of him with his relatives and friends, and receiving frequent visits from the most distinguished Democrats in the land, who revered him as a political sage, and bowed before him as the victim of a vile fraud.

His health gradually weakened, and on August 4, 1886, he died. He left a fortune of several millions. One million he distributed by his will among his relatives and friends, and in charity. The remainder of his estate he gave, by the thirty-fifth clause of his will, to trustees, ". . . to establish and maintain a free library and reading-room in the city of New York, and

to promote such scientific and educational objects as my said executors and trustees may more particularly designate." He had never married, and his only heirs were nephews and nieces. His will was contested on the ground that the clause establishing the library trust was void for indefiniteness. Although the will had been drawn under Mr. Tilden's personal supervision, by one of the greatest lawyers in this country, and after consultation with another of equal reputation, the claim of the contestants was sustained and the estate was divided among his heirs, except about one third, which, on a compromise, before the decision, with a grand-niece, who was entitled to one half, was turned over to the trustees of the library fund. On the division of the estate the trustees acquired Mr. Tilden's library of twenty thousand volumes, and his manuscripts and pictures.

A consolidated corporation was formed May 23, 1895, called "The New York Public Library, The Astor, Lenox, and Tilden Foundations." The city has contributed as a site the property on Fifth Avenue, between Fortieth and Forty-second streets, on which the reservoir formerly stood. That has been removed, and a suitable building is now being erected at the expense of the city.





ROBERT LIVINGSTON  
FIRST LORD OF THE MANOR

## ROBERT LIVINGSTON

### THE FIRST LORD OF THE MANOR

THE Rev. John Livingston was born, June 21, 1603, in Monyabrock, Sterlingshire, Scotland, where his father and grandfather had been ministers. They belonged to the Livingstons of Callendar, the head of which family was, in 1600, created Earl of Linlithgow. "Mess" John, as he was called, was appointed by Parliament one of the commissioners to negotiate with Charles II the terms on which he should be restored. He was subsequently prosecuted for nonconformity and his estates confiscated, and, with a number of his congregation, sailed for America. A great storm was encountered, and he set apart three days for fasting and prayer, resolving that if the storm did not soon abate they would return home. The storm continued, and they went back to Scotland. In 1666 he was banished, and fled to Rotterdam, where he lived until his death, August 9, 1672.

His son Robert, the subject of this sketch, was born at Ancram, in Teviotdale, Roxburghshire, Scotland, December 13, 1654. He lived in Rotterdam for several years with his father, until the latter died, leaving a widow and many children. Robert had acquired a perfect knowledge of the Dutch language as spoken in Holland, and had received a thorough education, for those days, from his father. On April 28, 1673, he sailed from Greenock, Scotland, for Charlestown, New England. In 1674 he appears to have settled in Albany, and was at once given a position in the Council, and in 1675 was made town clerk, and also appointed secretary for Indian affairs by Governor Andros. He retained that office for fifty years. The knowledge obtained as such official was of great assistance to him in his investments in real estate, and as an adviser to the successive governors of the colony.

In 1678 the Rev. Nicholas Van Rensselaer, having become suddenly and seriously ill while away from home, begged to be taken back to his own house in Albany to die. They succeeded in reaching there, and as he desired to make his will, Robert Livingston was sent for and appeared in his lawyer's gown, a handsome, strong young man, who by his own ability and

efforts, by his willingness to seek his fortune in all the avenues that were open, by perseverance, prudence and never-tiring industry, had in a few years so advanced himself as to be called upon by the most prominent people in the colony to perform the important and confidential service of drawing a will. As soon as he entered the room where the sick man lay, the latter became much excited and demanded that he should be taken away, refusing to have anything to do with him. His brother-in-law, Major Peter Schuyler, remonstrated with him in vain, and upon his wife, who had been Alida Schuyler, the daughter of Philip Petersen Schuyler, begging him not to treat the young man so unkindly, he said: "Take him away! Take him away! I know. That young man shall not make my will; he will be your second husband." Mr. Van Rensselaer died, and in due time the prophecy was verified, for on July 9, 1679, Livingston married his widow. Following the record of his marriage, made by him in the family Bible, are the words: "May God be with us and bless us."

On July 12, 1683, he purchased of the Indians two thousand acres along the Hudson River and the Roelof Jansen's Kill. This purchase was confirmed by a patent from Governor Don-

gan, November 4, 1684. On August 10, 1685, he bought of the Indians six hundred acres of meadow-land in Taghkanic, which purchase was confirmed by patent August 27, 1685. On July 22, 1686, Governor Dongan granted to Robert Livingston the remaining and adjoining lands, and for those, and the lands already purchased, issued a patent erecting them into a lordship or manor, to be recognized as the lordship and manor of Livingston, and authorizing the proprietor to hold a court-leet, which was a court of criminal jurisdiction, and a court-baron, the chief business of which was to determine all controversies relating to the right of lands within the manor, and giving him the advowson, that is, the patronage of the churches within the manor. This estate commenced at a point on the east bank of the Hudson River at the mouth of a small creek called by the Indians Wockankossick, a short distance south of Catskill station, or Greendale, as it is now known, and extended south along the river until about one mile north of Tivoli station, and easterly to the boundaries of Connecticut and Massachusetts. It comprised the townships of Clermont, Germantown, Livingston, Taghkanic, Gallatin, Ancram, and Copake, and contained, according to the survey made at the time the



patent was granted, about 162,240 acres. The manor extended twelve miles along the Hudson and from twelve to seventeen miles eastward.

On October 26, 1694, Robert Livingston conveyed to Derick Wessels Ten Broeck six hundred acres lying on the Hudson, and twelve hundred acres on both sides of the Roelof Jansen's Kill, east of the present village of Clermont.

In 1686 Robert Livingston and his brother-in-law, Peter Schuyler, were sent by the citizens of Albany to New York as commissioners to receive from Governor Dongan the charter of Albany as a city. They reached Albany with it four days after it was signed—very rapid traveling for those days. In it Peter Schuyler was named as mayor and Robert Livingston confirmed as town clerk. He was also appointed, later in the year, by Governor Dongan, collector of excise and quit-rents. In 1688 Governor Dongan borrowed of him large amounts to enable him to carry on war with the French in Canada. Livingston had great difficulty in getting this money repaid, and was obliged to visit England in 1695 before he succeeded in doing so.

As soon as news of the landing of the

Prince of Orange in England, November 5, 1689, was received in New York, Jacob Leisler, who was a captain of one of the train-bands, taking advantage of the disturbed condition which ensued after the dethroning of James II, usurped the office of governor, which had been abandoned by Governor Nicholson, who had sailed for England. After continuing in the office some time, Leisler was tried and convicted of treason, and he and his son-in-law, Milborne, were executed, being the only persons ever executed for a political crime in what is now the State of New York. Leisler was a bitter foe of Robert Livingston, and after he came into power joined forces with other enemies of Livingston. The latter was obliged to fly from the colony, and went to Hartford, where he lived for a while in the family of Governor Winthrop. During his absence his house was searched, and Mrs. Livingston was subjected to many annoyances until she was able to join her husband. Upon the downfall of Leisler, Livingston was restored to favor and to his offices, which then included, besides those already enumerated, clerk of the peace and clerk of the Court of Common Pleas at Albany.

In 1695 he went to England to collect his claims against the Crown. The voyage proved

very tempestuous, and ended in his being shipwrecked on the coast of Portugal, and he was obliged to travel across that country, Spain, and France in order to reach his destination. Prior to this time the Livingston coat of arms had been surmounted by a demi-savage as a crest and the motto had been, "*Si je puis*" (If I can). Robert changed the crest to a ship in distress, and the motto to "*Spero meliora*" (I hope for better things). The family have returned to, and now use, the original crest and motto.

While in England, Livingston and Captain William Kidd preferred charges against Governor Fletcher. Kidd was a bold and skillful navigator, and a man of standing and character in the city of New York, where he lived, and had been, in 1691, rewarded by the council of that city for his services to the colonies. Governor Fletcher suspended Livingston from all his offices except that of town clerk. At the solicitation of Lord Bellomont, the king reinstated him, and in the following year, on Lord Bellomont becoming governor, he made Livingston a member of his Council. On October 10, 1695, in England, an agreement was entered into by Lord Bellomont with Robert Livingston and Captain William Kidd to equip a

vessel to be used as a privateer and to fight and subdue pirates. Lord Bellomont furnished the funds, Livingston the plan, and Kidd the nautical skill, etc. Captain Kidd was placed in command of the ship *Adventurer*, with thirty guns and one hundred and fifty-four men, and shortly afterwards joined the pirates. The opinion of people living at that time, and of historians, is that Lord Bellomont and Livingston were basely deceived, and in no way privy to the designs of Captain Kidd. He suffered for his crimes, for in 1699 he returned to New England and was captured and sent to England, where he was tried, convicted, and hung.

In 1701 a demand was made upon Livingston by his former enemies, the Leisler party, for an accounting of certain moneys which had passed through his hands. He refused to comply with their demand, which he characterized as unwarranted, and the General Assembly, in which they then had controlling power, passed an act confiscating his lands. He at once made preparation to go to England and appeal to the king. Before leaving he obtained from the Indians, with whom he had great influence, authority to represent them at the court. This act the General Assembly characterized as contrary to his duty and allegiance to the king and

the peace of the government, and he was suspended from the Council April 20, 1702. He sailed for England, and was captured by pirates in the British Channel, but was rescued, not, however, until he had been robbed of all the property he had with him. In 1705 he obtained a royal warrant restoring his lands and offices. The Council refused to pay his salary as representative of the Indians at court, declared the office a useless one, and demanded that it should be abolished. Mr. Livingston continued to act as Indian representative, and finally received full payment for his services.

While in England he contracted with the government to provide subsistence for the Palatines, and on September 29, 1710, conveyed to Queen Anne six thousand acres along the Hudson River for their use, for the sum of two hundred and sixty-six pounds sterling. This land included almost the whole of the present town of Germantown in Columbia county. The Palatines were Germans from the Lower Palatinate of the Rhine; they were mostly Protestants, and had fled to England to escape religious persecution. They had at one time been hired by England as soldiers, and the colony was established by Queen Anne for the purpose of providing them with a home and

manufacturing turpentine, rosin, pitch, and tar and other naval stores for the government, and they had agreed to repay the money expended in their behalf. It was not a success, and most of the people were dissatisfied and moved away, some settling in the Mohawk valley, in Schoharie county and elsewhere. Sixty families remained in Columbia county, and in 1724 letters patent were issued to certain trustees, and the lands granted by Livingston to Queen Anne were divided among those who had remained, subject to certain quit-rents and conditions, and their titles finally became absolute. The courts held, that, although Robert Livingston had sold the title to the six thousand acres of land, it was, in respect to all the other conditions of the original grant to him, a part of the manor. This authority existed until 1775.

Robert Livingston was elected a representative for Albany in the General Assembly in 1709, and served until 1714.

In 1715 the manor was resurveyed and the provincial grants confirmed by royal charter of George I, which erected the estate into a lordship, to be known as the "Manor of Livingston," and conferred upon it a court-leet and a court-baron, to be presided over by the Lord of the Manor, and also the privilege of

electing a member of the General Assembly and two constables. Robert Livingston in 1716 was elected representative for the manor and continued to occupy such office until 1726, when he retired from public life. He was speaker of the Assembly from 1718 to 1725.

In 1699 he built a manor-house on the north bank of the Roelof Jansen's Kill, a few rods northeast of the Linlithgo station. This house was built more as a defense than for a residence, and was not occupied by him, except temporarily, until 1711.

On June 21, 1721, Governor Burnet, of the province of New York, issued to Robert Livingston a license to collect money "towards carrying on and finishing" a church in the Manor of Livingston, which it recited would "require a larger sum than can be reasonably expected to be advanced by any one particular person." In the autumn of 1721 the building was erected largely at the expense of Robert Livingston. It was a substantial structure, stood on the site of the Livingston Memorial Chapel at Linlithgo, was the first church in the southern part of the Columbia county, and was known as the Dutch Reformed Church of Linlithgo. Under it was the vault of the Livingston family, and about it a graveyard which was

used by the tenants. The will of Robert Livingston was executed February 10, 1722, and devised forty acres of land opposite the church for the minister's home farm, sixty acres the returns from which were to be applied on his salary, and a house and twenty acres east of the churchyard for the use of the clerk of the church, who was also to act as pedagogue for the youth of the manor. In 1814, this church having become dilapidated, a church was built in the village of Johnstown, and after that, until 1870, Linlithgo became a preaching station, when a building was erected on the site of the original church, chiefly by members of the Livingston family, which is called the Livingston Memorial Chapel. The old vault, over which the chapel is built, and in which the bodies of eight generations of Livingstons have been placed, has been bricked up.

In 1711 Robert Livingston moved to the manor-house and continued to reside there until his death, which occurred in Boston in 1728. The manor-house was never occupied by Philip, who succeeded his father as Lord of the Manor, and lived in Albany and the city of New York. His son Philip, who was born in 1716 and was a signer of the Declaration of Independence, lived in Albany on the west side of North Pearl



Street, one door north of State Street. The old elm tree which stood on the corner of State and North Pearl streets was planted by him over one hundred and fifty years ago. The manor-house was taken down about the year 1799 by Robert Tong Livingston, who inherited it from his grandfather, Robert, the third Lord of the Manor, and the doors and arches and much of the woodwork were used in the construction of the house now standing a few rods from the site of the original building. This house has been owned and is now occupied by the family and descendants of Alexander Crofts, who married the only child of Robert Tong Livingston.

Robert Livingston was an able, bold, energetic, and enterprising man. He had been educated in the school of adversity, for his family had been reduced in wealth by a too earnest and loyal adherence to the cause of a sovereign, and his father had been exiled and his estates confiscated on account of religious convictions. He had been brought up in a foreign land—

A stranger 'mong strangers,  
Estranged from his own.

He came to this country to seek his fortune, and his worth and ability were quickly recog-

nized. We find him immediately after his arrival at Albany occupying a place in the Council, and that afterwards offices of value and importance were from time to time heaped upon him. Not satisfied with the profits of his profession, we also find him engaged in various occupations of a commercial character, which were sure to bring money to his purse. That he occupied a position of importance is shown by the fact of his having been called upon to draw the will of a Van Rensselaer; and both his position and personal attractions are established by his marriage to the widow Van Rensselaer, who was a Schuyler. He naturally aroused envy and enmity in his career, and was assailed by those unfriendly to him with that bitterness which characterized those days. In each instance he seems to have triumphed over his foes, and instead of being injured by their attacks, on every occasion, when driven to a personal appeal to the Crown, he returned laden with more honors and opportunities to acquire greater riches.

It is of course difficult to obtain more than meager facts in relation to his life and achievements, but we must judge him according to what he accomplished, and we must conclude that a man who started with nothing but his brains, breeding, and education, and was able

to lay the foundations of a great fortune and found a family of distinguished rank, members of which have rendered services to our Nation and State the value of which can hardly be calculated, and who rose from one position of honor to another until he became one of the most influential men in his adopted country, must have possessed great ability. We know that he could not have accomplished this through dishonesty, for such practices are sooner or later exposed, and it would have been impossible for him to have so often met the accusations of traducers and come out victorious. Besides, dishonesty has never been a trait of his family. As far back among his ancestors and as far down among his numerous descendants as we can go, we find them honest, almost without an exception.

It has been in all ages the custom for certain envious or thoughtless persons to defame those who have risen to places of distinction, or have acquired vast wealth, and to repeat old slanders, usually born of political hatred and prejudices, that should have been forgotten; but while this has been a practice common to all ages and peoples, we must confess it displays a lack of judgment, principle and thought.

Robert Livingston had nine children, five of

whom survived him. The manner in which he brought up and educated his children shows how highly he appreciated education. John, his oldest son, who married a daughter of Governor Winthrop, died in the lifetime of his father without children. His son Philip, who succeeded him as Lord of the Manor, was a man of fine ability. Robert was born July 24, 1688; his father, in recording his birth, wrote in the family Bible: "On the 24th of July, being Tuesday, at five o'clock in the afternoon, my worthy spouse was delivered of my third son, Robert. May the Lord bless him that he may grow up in the Presbyterian religion." He sent Robert to Scotland. It must have been done at considerable personal sacrifice, for everything of that sort was most expensive then. The money was well invested, for he returned an accomplished scholar, speaking and writing Latin, French, and Dutch fluently. He learned German the year before his death, which occurred in 1775, in his eighty-sixth year. His father's appreciation of him was shown by devising to him the Clermont estate, about eleven thousand acres, as a reward for his vigilance in frustrating a plot on the part of the Indians to murder the whites. To his son Gilbert he devised an estate in Saratoga county. There

is a portrait of Robert Livingston, the first Lord of the Manor, owned by his descendant Herman Livingston, which is at his residence, Oak Hill.

Some confusion has arisen from the fact that, in 1687, Robert Livingston, a nephew and namesake of the first Lord of the Manor, came from England and settled at Albany, where he subsequently married Margaretta, the daughter of Peter Schuyler, the brother of the wife of the first lord of the manor, who was one of the most influential persons in the colony. Many of their descendants are now living in the State of New York.

## JUDGE ROBERT R. LIVINGSTON

### A LOVER OF LIBERTY

THE first Lord of the Manor of Livingston was a member of the legal profession, as was his third son Robert. The latter, soon after his return from Scotland, where he had been sent to be educated, had his attention one day aroused by the unusual number of Indians he saw skulking about the edge of the woods near the manor-house, which was built on the Roelof Jansen's Kill, just east of Linlithgo station on the New York Central and Hudson River Railroad. That night he was awakened by a noise in the chimney. He sprang from his bed and rushed forward just in time to seize by the legs an Indian who was coming down the chimney. The latter, terrified by the sudden and unexpected attack, and finding himself in the hands of young Livingston, who cried out, "Villain, confess!" admitted that he was one of a band who had arranged to rob and murder all the whites that night. An alarm was given and the plot frustrated. The Lord of the Manor



JUDGE ROBERT R. LIVINGSTON





was so pleased with the boldness and bravery of his son in discovering and defeating this plot he gave him as a reward eleven thousand acres, being the southern end of the manor, which has since been known as the Manor of Clermont. He early in life showed ability, and became a man of great learning and influence. He foresaw the Revolution, and was full of patriotism and faith in the success of the Colonies. He died June 27, 1775.

His son Robert R., the subject of this sketch, was born in 1718, and lived most of his life at Clermont, the lower manor-house, which was built by his father in 1730. He received a liberal education and was admitted to the bar. In addition to his law practice, he gave considerable attention to the management of his father's estate, and actively participated in public affairs. In 1760 he was appointed a judge of the Admiralty Court. He was elected a member of the General Assembly of the province for Dutchess from 1759 to 1768, and for the manor from 1768 to 1774. He was appointed by the Crown a Judge of the Supreme Court in 1763. He is said to have been a man of great energy, strong character, strict integrity, and deeply religious. He was a firm believer in the rights of the Colonies and watched with anxiety the

policy pursued towards them by England, and, although in an official position, he was fearless in his activity to maintain what he and other patriots considered their rights.

He was opposed to separation by the colonies from the mother country, but believed in having their wrongs redressed, and was ready to assist in doing so. The historian Bancroft, in speaking of the resentment felt by the colonists at the imposition of duties by the mother country on articles of daily consumption, refers to "the gentle Robert Livingston" as saying, in 1764: "It appears plainly that these duties are only the beginning of evils. The stamp duty, they tell us, is deferred till they see whether the Colonies will take the yoke upon themselves and offer something else as certain. They talk, too, of a land tax, and, to us, the ministry appears to have run mad. . . . We in New York shall do as well as our neighbors; the God of Heaven, whom we serve, will sanctify all things to those who love him and strive to serve him."

Mr. Bancroft quotes a letter showing he believed in freedom for the colonies without entire independence.

He was the only person who held a lucrative office under the Crown, who, though as such he was especially exempted, signed the "Asso-

ciation of the United Colonies," whose object was to induce all the colonies to enter into a nonimportation, nonconsumption, and nonexportation agreement or association. His son, the Chancellor, said, he "scorned to avail himself of that exception, and went voluntarily and signed, being the first and, I believe, the only person holding a lucrative office in the government who associated."

In 1764 he was the chairman of a committee appointed by the General Assembly of New York to correspond with other Assemblies in relation to grievances and apprehensions of the American colonies. No delegates having been appointed by New York to the Stamp Act Congress of 1765, Judge Livingston and the other members of his committee were admitted, and participated actively in the proceedings of that body. While it was in session he wrote to his father: "See the three great points we have to contend for, and of what importance they are: trials by juries, a right to tax ourselves, and the reducing admiralty courts within the proper limits." He prepared the address of the Congress to the King, praying for "the invaluable rights of taxing ourselves and trials by our peers." From that time until his death he became more and more convinced of the wrongs

of the colonies and the folly of the policy of the mother country. His acts were so fearless, and his views so pronounced, that he was removed by the Crown from his judicial office.

In June, 1775, in a letter to his son Robert, afterwards the Chancellor, he writes: "I conclude from the King's answer to the Lord Mayor that if American liberty is maintained, it must be by the greatest exertion of force, under the favor and direction of Providence. In this situation I am under no apprehension but from the enemies we have amongst ourselves. A hearty and united opposition would render us, to all appearances, invincible. . . . It seems to be absolutely necessary that we should be in a state of defense. . . . The object of first consequence is union. My powder-mill will be set agoing, I hope, by the beginning of next week." He concludes with these words: "I am convinced they don't know America yet. I don't wonder at it; we are hardly yet ourselves apprised of the power we are able to exert, and that makes many afraid to join in the cause." The powder-mill referred to was run by his son John R. during the Revolutionary War, and supplied much powder to the patriots.

Judge Livingston died at Clermont in December, 1775, and is buried there. His widow

survived him until June, 1800, when she died, instantly, in the dining-room at Clermont, from a stroke of apoplexy.

Portraits of Judge Livingston and his wife, by Copley, are now in the possession of Mrs. Robert R. Livingston, the widow of a great-great-grandson, at Northwood, her residence near Tivoli, which is a portion of the estate given by the first Lord of the Manor to his son Robert.

Judge Livingston married in 1742 Margaret Beekman, who was a woman of strong character and of devoted patriotism. They had eleven children, one of whom died in infancy: Janet, the eldest, married an Irishman, the celebrated General Richard Montgomery, the hero of Quebec; Robert R., the first Chancellor of the State of New York; Henry B., a Colonel in the Revolutionary War; John R., who was also an active patriot; Gertrude, who married Morgan Lewis, who was Chief Justice of New York from 1801 to 1804, and Governor from 1804 to 1807, a major-general in the Niagara campaign, and commander at Sackett's Harbor and French Creek; Joanna, who married Peter R. Livingston, an influential and distinguished politician; Alida, who married General John Armstrong, who was Secretary

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of State for Pennsylvania, Minister to France under Jefferson, and Secretary of War under Madison; and Edward, the author of the Louisiana Code and holder of many official positions of the highest grade; Margaret, who married Thomas Tillotson, who was a captain in the Maryland line, Secretary of State of New York, the successor of Alexander Hamilton as agent of the Federal government in New York, and surgeon-general of the Northern Department in the original organization of the Society of the Cincinnati; and Catharine, who married the Rev. Freeborn Garrettson, an eminent Methodist preacher.

The four sons lived from sixty-six to ninety-eight years.

## PETER SILVESTER

### THE FIRST LAWYER IN KINDERHOOK

WE first learn of Peter Silvester as practicing law in Albany. He was evidently a man of high position in the community, for in the charter of incorporation, granted by King George III on April 25, 1769, to St. Peter's Church in Albany, his name is mentioned as a vestryman. He was also a warden of that church in 1773. In 1763 he seems to have moved his family to Kinderhook. Peter Van Schaack was a student in his office in Albany in 1766. Peter Silvester was an active politician, and seems to have held many offices. He was a member of the Albany Committee of Safety, in 1774; and of the first and second Provincial Congress, in 1775 and 1776; and of the first Congress under the Constitution, in 1789; and a member of Congress also in 1791; the first judge of Columbia county; a State senator, in 1796 and 1799; and a Member of Assembly from Co-

lumbia county, in 1788, 1803, 1805, and 1806.

His son Francis Silvester was born in Kinderhook, July 22, 1767, and died there January 31, 1845. After graduating from Columbia College he studied law in his father's office, and practiced all his life in his native village, having established a reputation as a scholar, a lawyer, and an honest man. He was frequently engaged in legal contests in which Aaron Burr was his adversary. He married Lydia Van Schaack, a niece of Peter Van Schaack, and lived in a house in Kinderhook which is still standing and has been always occupied by the Silvester family, until within a few months, when his daughter, Miss Margaret Silvester, died, being over ninety years old. She was a person of fine mental gifts and engaging manners, and lived a dignified life, dispensing a generous hospitality, surrounded by many interesting family portraits and heirlooms, and keeping up, even to the last, interest in her books and music. It was at this house Martin Van Buren, who had studied in Francis Silvester's office, was a frequent visitor when living at Lindenwald.

Mr. Silvester was a member of the Constitutional Convention of 1821.



Peter Henry Silvester, his son, was also a lawyer and was twice a Member of Congress. He died, leaving two sons, one of whom, Francis, was also a lawyer, and died recently. John L. B. Silvester, the only survivor of the family, resides in Albany.

## JOHN BAY

### THE FIRST LAWYER IN CLAVERACK

JOHN BAY was descended from a Huguenot family, De Bai, which, after the revocation of the Edict of Nantes, in 1685, fled from France to Holland, and later went to Ireland. The head of the family having died, his widow, in 1720, came to this country and settled in Maryland, bringing with her two sons, Andrew and William. The former was a Presbyterian minister and died, leaving a son who became Chief Justice of South Carolina. William remained in Maryland, where, in 1743, John Bay, the subject of this sketch, was born. He graduated at Princeton College in 1765, and settled in Albany, where he studied law. Shortly after being admitted to the bar he married Ann Williams, who is described as possessing "great intelligence, sterling worth and Christian virtues," and who died in Albany in 1845 at the age of one hundred.

John Bay was active in politics from the beginning of his professional life, being always a

strong Federalist. In 1775 he was secretary of the Committee of Safety, which was charged with the necessary preparations and measures for defense, and in furtherance of military operations, and had the entire executive control of the county of Albany, which then included what is now Columbia county, and much other territory. In 1779 and 1780 he was a Member of Assembly from Albany county. In 1781 he moved to Claverack, where he owned a large tract of land, and opened a law office. He enlisted as a private in Captain Jeremiah C. Miller's company, which was part of what was known as the First Claverack Battalion. He was a Presidential Elector in 1792, and a Member of Assembly from Columbia county in 1788, 1794, and 1795. He was an industrious lawyer and had a large clientage, and was a man of integrity, superior ability, eloquence, and education. His manners were unusually polished and he was noted for his generous hospitality. Ambrose Spencer and William W. Van Ness were among the lawyers who were educated in his office. He died in 1818.

His son, Thomas Bay, practiced law in Hudson. He was a Member of Assembly in 1818. July 9, 1819, he was appointed District Attorney, and held that office until 1821, and he was

Mayor of Hudson from 1825 to 1827. He died when quite young.

Another son, William Bay, who married a sister of William W. Van Ness, was a physician and practiced in Claverack until 1810, when he moved to Albany and became the most distinguished physician in that part of the State. He died at the age of ninety-two. Another son, John, was educated as a physician, but when quite young retired from practice and died at the age of eighty-two.





CHANCELLOR LIVINGSTON

## CHANCELLOR LIVINGSTON

CHANCELLOR ROBERT R. LIVINGSTON was born November 27, 1746, at the winter residence of his father, Judge Robert R. Livingston, in the city of New York. His youth was spent at Clermont, the lower manor-house in the south part of Columbia county. He entered King's College (now Columbia) and graduated in 1764, when he delivered an oration in praise of liberty, which was referred to in a notice in the *New York Gazette* in most complimentary terms, which closed with this sentence: "And many of the audience pleased themselves with the hope that the young orator may prove an able and zealous asserter and defender of the rights and liberty of his country, as well as an ornament to it."

He commenced the study of law in 1765, in the office of William Smith, the historian, an eminent lawyer, who was afterwards Chief Justice of Canada. His studies were continued in the office of his relative, William Livingston, the Governor of New Jersey. He was admitted

to the bar in 1773 and formed a partnership with his intimate friend, John Jay, who was afterwards Chief Justice of the Supreme Court of the United States, Minister to Spain, and Special Envoy to England. Mr. Livingston's ability as a lawyer was quickly recognized. He was appointed Recorder of New York City. The Stamp Act aroused his patriotism, and he so openly expressed his views and protested so strongly against the wrongs being perpetrated on the Colonies by England, that he, like his liberty-loving father, was removed from office. He threw himself with enthusiasm into the battle for liberty. His ability and his position as a member of a wealthy, powerful, and distinguished family were of great assistance to the patriots' cause.

In 1770 he married Mary, daughter of Hon. John Stevens, of New Jersey. He was a Member of the Second Continental Congress, which met in May, 1775, and one of a committee to prepare and report a plan of federation for the Colonies. He was also, with Benjamin Franklin, Thomas Jefferson, Roger Sherman, and John Adams, appointed on the committee to draft the Declaration of Independence, and was made chairman of that committee. He was prevented signing, although he helped pre-



pare, and had strongly advocated it, by being called to New York to attend to duties as a member of the Provincial Congress in preparations for the defense of the Hudson River.

After the adoption of the Declaration of Independence the General Assembly of New York changed its name to the Congress of Representatives of the State of New York. It first met at White Plains, then at Harlem, Philipse Manor, Fishkill, and Esopus (Kingston). At the latter place the Constitution was adopted April 20, 1777.

In the autumn of 1777 Sir Henry Clinton sent Sir James Wallace up the Hudson River with a flying squadron of about four thousand men, to burn, destroy, and pillage, and eventually join General Burgoyne. They proceeded on their voyage until they reached Kingston. Having failed to raise a sufficient force to protect them, the Governor and Legislature fled to Hurley. The British burned Kingston, and then sent a detachment of troops to Rhinebeck, where, after burning several houses, they started up the river to punish "The Rebel," Chancellor Livingston. His mother had had as guests for several weeks a wounded British captain and his surgeon. On being warned of the approach of the soldiers, they offered to protect the house

and its occupants, but Mrs. Livingston declined, saying she did not desire any such advantage over her neighbors and countrymen. Mirrors and other furniture, and china and silver were hastily buried or loaded on wagons, and Mrs. Livingston and her family and servants fled towards Massachusetts. They had not proceeded far when a column of smoke made known to them that their loved home was burning. The house was destroyed except the north and south walls. A house a few hundred yards to the south, which the Chancellor, being unwilling to disturb his widowed mother in her old home, had built for himself, was also burned. The British, having received news of Burgoyne's surrender, returned to New York.

Mrs. Livingston at once wrote to George Clinton, who was at that time Governor of the State, and obtained leave of absence from military duty for a number of men to act as brick-makers, carpenters, etc., to assist in the rebuilding of her house. The north and south walls, which were uninjured, were made a part of the new house, which was a reproduction, as far as possible, of the original building. The site selected for this mansion evinces remarkable good taste on the part of the first Robert Livingston of Clermont, the Chancellor's grandfather. At no point along the Hudson is there a finer view

of the Catskill mountains, and the long stretch of river which is seen from the south windows of the house is most beautiful and unusual. I know of no place in this country where cultivated taste and intelligence on the part of its early proprietors are so much displayed, and which has been so carefully preserved. Many of the trees planted by the first Robert of Clermont are still standing, and are looked after and enriched with reverent care. Each successive owner has seemed to appreciate the privilege of possessing and the duty to preserve and embellish this fine old place. The house remains as it was when Mrs. Livingston rebuilt it, except it has been equipped with the conveniences of our luxurious modern life, and has had added to it a wing on either side and been raised a storey. The rooms are spacious, with lofty ceilings and large windows extending to the floor or with deep seats, and commanding views of uncommon beauty. Mr. John Henry Livingston, the present proprietor, the great-great-great-grandson of the builder of Clermont, when not absent on foreign travels, spends most of his time there, and has maintained for Clermont the reputation for gracious and graceful hospitality it has for so many generations possessed.

In 1781 Chancellor Livingston was appointed

Secretary of Foreign Affairs, which corresponded with the office of Secretary of State, and served until 1783, when he retired, receiving the thanks of Congress. He was appointed Chancellor of this State in 1783 and served until 1801, his administration being distinguished for ability, promptness, and efficiency. He was chairman of the convention held at Poughkeepsie in 1788 which ratified the Constitution of the United States, which met with great opposition, but was carried by a majority of three votes after six weeks of debates by the fifty-seven delegates, among whom were many of the most distinguished men in the State, Mr. Livingston being untiring in his efforts for, and largely instrumental in securing its adoption.

In April, 1789, he administered in the city of New York the oath of office to George Washington, first President of the United States. In 1794 President Washington offered to appoint him Minister to France and he declined. The University of New York conferred on him the degree of LL.D. In 1790 Mr. Livingston, who, before that had acted with the Federalists, became a Democrat. In the Presidential election of 1800 Thomas Jefferson was with one accord the choice for the office of President. Three men were prominent candidates for Vice-Presi-

dent, Robert R. Livingston, Aaron Burr, and George Clinton. Mr. Livingston was afflicted with deafness, which, it was deemed, would impede him in presiding over the Senate, and the choice was narrowed down to two and Burr was chosen. Mr. Jefferson offered to appoint Mr. Livingston Secretary of the Navy and, on his declining, appointed him Minister to France. His negotiations while in that office resulted in the Louisiana Purchase, which gave to the United States for about \$15,000,000, \$3,750,000 of which was reserved to satisfy claims of United States citizens against France, a territory nearly equal to the area of the thirteen original States.

While in France he formed a friendship with Napoleon, who was then first Consul, and who treated him with marked attentions, presenting to him, on his departure, a gold snuff-box, on the lid of which was the first Consul's portrait by Isabey, a celebrated French artist. He left Paris in 1804, and after travelling extensively in Europe, returned to this country.

He was the principal founder of the American Academy of Fine Arts in 1801, and in 1808 its president. While abroad he added to it a fine collection of statues and busts, and procured for it from Napoleon some fine paintings and

prints. He was also chiefly instrumental in founding the Society for the Promotion of Useful Arts, to which he contributed many papers on agriculture and other subjects, showing great learning and research. He had inherited a large estate in land and personally interested himself in developing it. He imported fine cattle, introduced merino sheep, and clover and other grasses, and devoted much attention to the cultivation of fruit trees. He was the first to use gypsum as a fertilizer.

For many years he had been much interested in the application of steam for purposes of navigation, and had made inventions in that line. As early as 1797 he had employed a man to build a steamboat, which was not successful. In 1798 he obtained from the Legislature a grant of the exclusive right to navigate the waters within the limits of the State of New York with steam for twenty years, on condition that he should run at regular convenient intervals, a boat that would average not less than four miles an hour. In 1799 he wrote a long letter to Thomas Jefferson on the subject, detailing his inventions and experiments. While in Paris he met Robert Fulton, who had also been experimenting in the same line. Mr. Fulton was of Irish descent, and was born in Pennsylvania

in 1765. He had gone to England and was studying art with Benjamin West, who was also a Pennsylvanian by birth. After pursuing his art studies for several years, he turned his attention to steam navigation in Paris. Mr. Livingston supplied him with the funds necessary to continue his experiments; a boat was constructed and launched upon the Seine, which, although a failure, was sufficiently successful to warrant further experiments. These were continued in the United States at the expense of Mr. Livingston, who also contributed his own plans and inventions. In 1803 Mr. Livingston procured a renewal of his grant from the Legislature, on condition that he and Robert Fulton should, within two years, produce a boat of the speed required. This grant was again renewed. In 1806 a boat was commenced by them of larger dimensions than the one built in France. It was called the *Clermont* and was launched in August, 1807, and on September 7 started for Albany. The trip was made at an average rate of five miles an hour, a stop being made at the Chancellor's dock at Clermont to take on wood for fuel. This boat was one hundred feet long, twelve feet wide and seven feet deep.

In 1808 she was lengthened to one hundred and fifty feet and made eighteen feet wide, and

her name changed to the *North River*. The fare from New York to Albany was \$7; to Poughkeepsie, \$4; and to Hudson, \$5.50. The boat was commanded by Captain Wiswall.

Chancellor Livingston, on his return from France, retired from public life. His property, which he had increased by intelligent care and judicious investments, was still more increased by the success of his venture in steam navigation. He had built himself, in 1783, a house about a quarter of a mile south of Clermont, his old home. It stands on a high bank overlooking the Hudson River for miles, and commanding an unsurpassed view of the Catskill mountains. North and south and in front are rolling lawns descending to the bluff which overhangs the river, and along this there is a fringe of trees which quite completes the picture. At the rear is a small forest, covering a slight elevation, and extending east, which furnishes a fine background for the house. The Chancellor was especially fond of the yellow locust, and along the drive connecting the Chancellor's place, "Idele," as it is now called, with Clermont, there is an avenue of them. They, and some horse-chestnuts, and several trees of rare varieties, are of gigantic size, and add greatly to the dignity and grandeur of the estate.



The house, which is 104 feet front by 91 feet deep, is built of brick, and is in the form of the letter H. The main body is two storeys high and is surmounted with a balustrade of remarkable beauty, and there are two pavilions. The details of the house are beautiful and artistic, and display the most cultured taste. In one of the pavilions was the Chancellor's library of over four thousand volumes, many of which, as well as the furniture and tapestries, he had brought from France. He was very fond of reading, and read and spoke several languages. He especially delighted in the Greek and Latin poets. He was a man of cultivated tastes, and had surrounded himself with the beautiful and artistic, and lived in a stately way. His silver dinner service was valued at \$25,000. The pieces are very large and massive, each one being apparently moulded in four separate parts and then welded together, the decorations, which are elaborate, being skillfully hammered and carved. It was purchased by him in Paris at a sale of articles left with Gouverneur Morris, our representative during the French Revolution, by Frenchmen who undoubtedly were afterwards victims of the guillotine. These things, not having been called for at the expiration of a given period, and after diligent search for

their owners had been made, were sold, according to the terms of the agreement under which they were left, and the proceeds applied for the benefit of impoverished French refugees.

The Chancellor was an able writer, and his oratory was classical and persuasive, appealing to the sympathies of his hearers. His figure was tall and commanding, his manners were gracious, his morals above reproach; he was religious, generous, and benevolent, his industry was untiring, he rose every morning at five o'clock and read until the breakfast hour; work was his relaxation, except such hours as he spent with his gun and dog or fishing-rod.

In 1874, under an act of Congress, his statue, with one of George Clinton, was placed in the Capitol at Washington, representing the two most distinguished citizens the State of New York had furnished the Nation. This statue is in bronze, of heroic size, by Erastus Palmer of Albany, and was exhibited at the Centennial Exposition in Philadelphia in 1876. A duplicate of it is in the Court of Appeals room in the Capitol at Albany.

Chancellor Livingston was an honorary member of the Society of the Cincinnati, not having been in the army. A few years ago a resident in the neighborhood of Idele, in examin-

ing an old secretary he had purchased many years before at an auction of some of the Livingston furniture, discovered a secret drawer, and in it he found the certificate of membership of the Chancellor in the Cincinnati, and had the pleasure of returning it to one of his descendants.

The Chancellor died at Idele, February 26, 1813. His funeral was the largest that had ever taken place in that part of the country. The farmers, with whom he had kept so closely in touch, assembled from all directions, and he was laid away among his kindred at Clermont, surrounded by crowds of people, who felt that in the death of this great man they had lost a friend.

He was survived by two daughters. Elizabeth Stevens, the elder, married Edward P. Livingston, who was Lieutenant-Governor of this State in 1831, and the grandfather of John Henry Livingston, the present owner of Clermont; and Margaret Maria, who married Robert L. Livingston and inherited Idele, both residences having been formerly known as Clermont.

Judge Robert R. Livingston, the Chancellor's father, died intestate, and his eldest son inherited the Clermont estate, which was entailed,

subject to the dower of his mother. He subsequently inherited from his mother, who was the only child of Colonel Henry Alexander Beekman, about two hundred thousand acres of land, situated principally in the county of Dutchess. This he divided among his brothers and sisters, giving to each of his brothers thirty thousand acres, and to each of his sisters twenty thousand.

A portrait of the Chancellor, by Gilbert Stuart, hangs in the dining-room of his old home, Clermont. This portrait has been photographed for the United States Government for the purpose of using it on the one-cent stamps of the series, issued in commemoration of the Louisiana Purchase, in recognition of the great services of Chancellor Livingston in helping to accomplish it.





PETER VAN SCHAACK

## PETER VAN SCHAACK

THE BANISHED SCHOLAR, UNJUSTLY CALLED  
A TORY

PETER VAN SCHAACK was born in Kinderhook in March, 1747, and received his early education there. For two years he pursued his studies on Staten Island with Rev. Richard Charlton, who was a graduate of Trinity College, Dublin, and an accomplished Latin scholar. In 1762 he entered Kings (Columbia) College. In the autumn of 1765, although he had not yet graduated, he eloped with Miss Elizabeth Cruger, who was the daughter of Henry Cruger, a wealthy merchant of the city of New York. The latter was seated in front of a blazing fire in his library when he heard of the elopement, and was so carried away by his rage that he tore off his wig and threw it into the fire. The Crugers shortly afterwards became reconciled to the marriage, and Peter Van Schaack commanded the respect and won the confidence of his father-in-law, who appointed him one of the executors of his will. In college he received

several prizes and stood first in his class. He formed friendships then with John Jay, Egbert Benson, Robert R. Livingston, Gouverneur Morris, and others, which were kept up through his life and were of great service and a lasting solace. On graduating he commenced studying law in the office of Peter Silvester in Albany. At the end of eighteen months he moved to New York and entered the office of William Smith, the historian. In 1769 he was admitted to the bar and opened an office in Cedar Street. His ability, reputation as a scholar, industry, and family connections enabled him to quickly build up an extensive and lucrative practice. In 1773 he was appointed Reviser of the Statutes of the colony of New York.

In May, 1774, after news of the passage by Parliament of the act closing the port of Boston, Mr. Van Schaack was appointed on a committee of fifty-one, "to correspond with their sister colonies upon all matters of moment." This was the first body organized in the colony of New York in opposition to the measures which resulted in the Revolution. In November following, a committee of sixty chosen by the "freeholders and freemen" of New York City, was appointed to succeed the committee of May, which was called "The committee for carrying



into execution the association entered into by the Continental Congress." Of this Mr. Van Schaack was also a member. He opposed further importation of tea and refrained from using it in his family, and believed in exerting every effort to obtain a redress of the grievances of the Colonies short of armed resistance.

In May, 1775, he moved with his family to Kinderhook. He had lost four children and was alarmed by the ill health of his wife and eldest son, who died a few months later. The approaching war with England caused him great anxiety, and after long and labored consideration of the subject he decided to remain neutral. About this time he lost the sight of one eye, his wife's health commenced to fail, and his father died. He was much alarmed lest he should lose the sight of his other eye, and desired to go to London to consult an oculist. Although he had maintained a strict neutrality, and had in no way obstructed the acts of the patriots, he and his brother and John Stevenson and Hugh Glen of Albany were, in December, 1776, required to take the oath of allegiance, and he, having refused to do so, was ordered to go to Boston and remain there until further orders from the committee. He went, and in April, 1777, was ordered before the Provincial

Convention at Fishkill, and allowed to return to Kinderhook on parole. His wife's health became much worse. Permission for her to visit New York, which was then in the hands of the British, was refused, and also a request to be attended by an English physician, whom she had already consulted about her malady, and who, although a prisoner, had been employed by the residents of Albany, where he then was, in a number of cases. She died soon afterwards.

In June, 1778, Mr. Van Schaack obtained from Governor George Clinton permission to visit England. On July 18, he was again summoned before the committee to take an oath acknowledging New York to be a free and independent State. On refusing to do so his property was charged with double taxes and he was banished, a return to the State making him subject to misprision of treason. In August he sailed for England and remained there until June, 1785. His brother-in-law, Henry Cruger, being a member of Parliament from Bristol, Mr. Van Schaack enjoyed superior advantages in attending the debates in the Houses of Lords and Commons. He was also a frequent visitor at the courts, and travelled extensively through the country. His numerous letters, while in England, are filled with his impressions of the

scenery, the beauty of some of the show places, the magnificent works of art, and the artistically planned gardens. He also wrote at great length of the debates in Parliament. His letters soon indicated how wrong he considered the attitude of England towards her American colonies. Those to his children were full of advice as to their education, and showed what a high standard he believed in.

Mr. Van Schaack was a great scholar. His knowledge of Latin was most perfect, favorite authors in that language being his daily companions to the end of his life. The perfect purity of his English was celebrated. He wrote with great elegance and simplicity, and spoke with the most perfect accent and intonation. He frequently said that people of Holland extraction spoke English more exactly than others. His knowledge of law was profound, and his writings on legal subjects remarkable for clearness and beauty of style.

In 1784 an act was passed by the Legislature, restoring to Peter Van Schaack and three other individuals, "all their rights, privileges, and immunities, as citizens" upon their taking the oath of allegiance prescribed by law. Mr. Van Schaack, on learning of the passage of this act, and after conferring with his friends and

family, prepared to return home. He did so in 1785.

On arriving, he received tidings of the death of his mother, for whom he had always shown affection of unusual depth. In a letter written from New York just after he landed he said: "Mr. Jay has behaved like a true friend. He came on board the ship immediately, brought me on shore, took me to the Governor's, Chief Justice's, etc., and seems determined to do everything for me that he can. All descriptions of people show me every attention and kindness." Such was the reception he received, and such treatment was accorded to him through the rest of his life.

He was readmitted to the bar in April, 1786, and resumed practice in Kinderhook. The failure and loss of the sight of his remaining eye hampered him greatly in his professional duties. He was finally obliged to relinquish them, and opened a school for law students. He received only a few at a time, and the privilege of being instructed by him was highly appreciated. Among his students were sons of Theodore Sedgwick, Rufus King, William W. Van Ness, James Kent, Ambrose Spencer, and also Cornelius Miller, the father of the late Hon. Theodore Miller.

On April 27, 1789, he married Miss Elizabeth Van Allen of Kinderhook. During the last few years of his life he seldom left home, but contented himself with his books and pupils and his family. His eldest surviving son died in 1797, at the age of twenty-nine, and a son by his second marriage, in 1811, in his twentieth year. His second wife died in 1813. In 1826 Columbia College conferred on him the degree of Doctor of Laws, Samuel Jones and DeWitt Clinton being similarly honored at the same time.

The house occupied by Peter Van Schaack's father, and in which he at one time lived, was subsequently so undermined by the waters of Kinderhook creek that it had to be taken down. A house built by his brother Henry in 1774, and called "Sparren Roede," is still standing. It is a commodious brick mansion, on the main street of the village of Kinderhook, surrounded by ample grounds. Its large rooms are finished with more elegance than is usually seen in houses of that period. One cannot fail, on seeing it, to be impressed with the cultivated taste of the builder. It was for several years used as a summer residence by the late Aaron J. Vanderpoel, and is now owned and occupied by his widow, who is a granddaughter of the subject of this sketch.

The loss of sight, and the numerous afflictions with which Mr. Van Schaack was visited, might have overwhelmed a man of less sturdy character, but he bore all with heroic patience, and cheered and encouraged those about him by his wisdom, wit, and genial and genuine manners. He died at Kinderhook September 17, 1832.

It is difficult, without having known and associated with him, to form a correct opinion as to the motives that induced him to take the position he did in regard to the Revolutionary War. He possessed a peculiar personal power over his friends that seemed to make them overlook and forgive what they might regard as mistakes of judgment. This magnetism he appears to have had over all with whom he was brought in contact. He was a man of warm attachments, and charitable in construing the acts of others. He was perfectly consistent in his neutrality, and pursued it with the dogged determination of a Dutchman. He does not seem to have gained anything by it, and certainly was put to great inconvenience, and lost opportunities of advancing himself and his family to almost any height, by the great services he could have rendered. When we consider how much we lost by the withholding of these services, we

cannot but regret our loss and feel that, if, instead of looking at the question from a purely intellectual point, he had allowed his heart to assist his judgment, his course might have been different.

Peter Van Schaack was the father of eighteen children, the descendants of several of whom who survived are people of prominence.

One of his sisters married a Mr. Roosevelt, who kept a store at Chatham in Columbia county, who removed to the City of New York and engaged in the iron business in which he accumulated a fortune. He was the great-grandfather of President Theodore Roosevelt.

## EDWARD LIVINGSTON ,

OF NEW YORK AND LOUISIANA

EDWARD LIVINGSTON was the son of Judge Robert R. Livingston of the Supreme Court of the colony of New York, and was born at Clermont, the lower manor-house, in Columbia county, on May 26, 1764, being the youngest of eleven children. His father died in 1775, but had, notwithstanding he was holding office under the Crown, shown himself to be a strong lover of liberty and a devoted patriot, and anxious to do all he could to protect the rights of the Colonies and advance their interests. The Livingston family was large, influential, and wealthy, and its members were, almost without an exception, enthusiastic patriots.

Edward was educated at home by a tutor, a minister of the Dutch Reformed church, known as Dominie Doll. After the death of his father, being then in his twelfth year, he was sent as a boarder to a school opened by his former tutor at Esopus (Kingston), which was





EDWARD LIVINGSTON



the first Capitol of the State, and had a population of about thirty-five hundred. On Saturday and Monday in each week he walked the distance between there and Clermont, eighteen miles. He was not especially studious, but was regarded as a good, straight boy, who wished to do his duty, and was prepared to stand up for his rights. One day, after having related to the boys that at home they had an ice-house, in which ice was kept all the year round, on being told he lied, the young lad then and there avenged himself in a manner which thereafter forbade the expression of doubts as to his statements. This ice-house is still in use at Clermont.

The school Edward attended at Kingston having been destroyed when the British burned that place in the autumn of 1777, he immediately left for home and arrived just before the burning of Clermont by the British, and accompanied his mother and her household in their flight towards Massachusetts. In the midst of the disturbances caused by the Revolutionary War he was prepared for college and entered as a junior at Nassau Hall, Princeton, in 1779, and was graduated two years later. He immediately commenced studying law in the office of Chancellor Lansing in Albany, having among his fellow

students and intimate friends Chancellor Kent, Alexander Hamilton, and Aaron Burr. After New York was evacuated by the British, in 1783, he pursued his studies there, his family having a winter residence in that city at No. 51 Queen Street, which was part of the present Pearl Street. He was admitted to the bar in 1785 in New York, and commenced practice. He had many wealthy and influential friends and soon attained to a high standing in his profession. On April 10, 1788, he married Miss Mary McEvers of New York. In 1794 he was elected a member of the Fourth Congress, on the Democratic ticket, and was reëlected in 1796 and 1798. At that time the State had ten members of Congress, and New York City was a single district. Mr. Livingston's career in Congress was brilliant, and, although his party was in the minority, his influence was widely felt. At the close of his third term, Mr. Jefferson was elected to the Presidency by the House of Representatives, after thirty-six ballots, which consumed five days. Livingston was Jefferson's constant adherent, although attempts were made to induce him to support the candidacy of Aaron Burr.

On March 13, 1801, Mr. Livingston's wife died. A few days later he was appointed by

Mr. Jefferson, Attorney of the United States for the district of New York, which comprised the whole State, and in August following he was appointed by Governor George Clinton, Mayor of the city of New York, which then had a population of fifty thousand. Both of these appointments were renewed the following winter. The Mayor, in addition to presiding over the Common Council, was the chief judge of a court of record, having civil and criminal jurisdiction. His official duties were exacting, and, to a man of less energy and industry, would have been overwhelming. In addition he was, as Mayor, obliged to devote much time to the public and private entertainment of strangers at his house, No. 1 Broadway.

On July 20, 1803, yellow fever appeared in New York and raged until the end of October. The greatest consternation prevailed. The city was deserted by all who could leave. Mr. Livingston remained, and, in addition to his official duties, visited and ministered to the sick and dying, and comforted those who mourned. He had a list of the houses in which there were sick, and visited them and the hospitals every day, ascertaining those who were needy and those who had been deserted by their friends, and supplying their wants. He became a victim

of the disease, but after a short and violent attack, quickly recovered. When his physician prescribed Madeira for him, not a bottle of any wine could be found in his cellar, he had given it away to the sick. Upon this being known, the best wines were sent to him, the streets about his house were thronged with anxious inquirers, and the young people of the town struggled for the privilege of watching beside his bed.

During the continuance of the scourge, Mr. Livingston was obliged to delegate the clerical duties of the two important offices he held to his chief clerk. At that time moneys of the United States collected by legal proceedings and certain collections of custom-house bonds, small in amounts, but great in number, were received and accounted for by him at stated periods. When the fever was at its height, his attention was called to his accounts, and he discovered that he was indebted to the United States, and was without funds. The clerk, whom he had trusted, had fled. Without waiting for an accounting, Mr. Livingston voluntarily confessed judgment in favor of the United States, and conveyed all his real property to a trustee to sell and apply the proceeds to pay the indebtedness. This was afterwards fixed at \$43,666.21, the real estate being valued by Mr. Livingston

at enough to secure the debt. He immediately resigned both offices, his resignation of the mayoralty being accompanied by an offer to continue to perform the duties of the office until the yellow fever subsided. It was not accepted until two months later, and then DeWitt Clinton was appointed.

In an introduction by George Bancroft, to a *Life of Edward Livingston* by Charles Havens Hunt, speaking of this misfortune, he says: "Simple and frugal in his personal habits, he yet was overtaken by the severest calamity in his fortunes. Struck down by yellow fever, caught from his visits of consolation and mercy to the sufferers among the poor . . . he recovered from a desperate illness to find that he had been defrauded by a clerk, and that he was a debtor to the government beyond his means of immediate payment. Without a word of complaint, crimination, or excuse, he at once devoted his inheritance, his acquisitions, the fruits of his professional industry, to the discharge of his obligation to the government, and, for near a score of years, gave himself no rest, till he had paid it, principal and interest, without defalcation."

In April, 1803, Louisiana, or the province of Orleans, comprising Louisiana, Arkansas, Mis-

souri, Iowa, Minnesota, except a small portion, Nebraska, Kansas, and the Indian Territory, was purchased of France by the United States, very largely as a result of the diplomacy of Chancellor Livingston. Edward resolved to go to New Orleans and begin life anew, and within two months after his retirement as mayor, he sailed for that place with one hundred dollars in gold and a letter of credit for one thousand dollars, being all he had reserved of his property, leaving his son and daughter with his relatives. He threw himself into the life of his new home and soon became immersed in a large and exacting practice, his position at the bar being conspicuous from his arrival. Land was more abundant than money, and he soon found himself possessed of property, conveyed to him as payment for professional services, which promised to quickly make him a rich man, but which involved him in a litigation, endless in delays, and in a controversy with Thomas Jefferson, the President of the United States. The land in question was known as the Batture, and consisted of new ground which formed from year to year along the river bank in front of New Orleans, outside of and lower than the levees, and which was submerged during the time of the annual flood, so that it could



serve as an anchorage for vessels, and as a quay, and had been much used as such without question. Mr. Livingston brought an action against the city to quiet the title, which was decided in his favor. He entered into possession, and upon trouble ensuing and the matter being referred to the government at Washington, the marshal of the district of New Orleans was directed to remove him. Mr. Livingston brought an action for damages and to recover possession against the marshal, and later an action for damages against Thomas Jefferson, in the district of the latter's residence, in which the plaintiff was turned out of court by a demurrer by defendant to the jurisdiction of the court. About the time the suit against the marshal was approaching decision, Mr. Jefferson, his term of office having expired, published a pamphlet of ninety-one pages entitled: "The Proceedings of the Government of the United States in maintaining the Public Right to the Beach of the Mississippi, Adjacent to New Orleans, against the intrusion of Edward Livingston. Prepared for the use of counsel by Thomas Jefferson." Mr. Livingston replied to this in a pamphlet of one hundred and ninety-five pages. The litigation dragged along for many years and terminated in a complete moral triumph for Mr. Livingston, but

through the law's delay, and the vacillating action of a lower court, the venture was not as profitable as there was reason to expect it would be. Afterwards a complete reconciliation with Mr. Jefferson took place as was evidenced by many letters from him to Mr. Livingston.

During the height of this bitter controversy he was summoned to New York on account of the illness of his daughter, who had grown to be a beautiful young woman. As soon as he arrived he hastened to his brother-in-law's house and asking the servant who opened the door: "How is Miss Livingston?" was informed, "she was buried yesterday." On his return to New Orleans he brought his son Lewis with him. He had, on June 3, 1805, married Madame Louise Moreau de Lassy, a young widow born Davesac de Castera. Her family had emigrated from France to San Domingo, where they became wealthy and influential, until the revolution there, in which her father, two brothers, and her grandmother were murdered, while she, a widow at seventeen, her mother, a brother, and younger sister escaped by different vessels and were reunited at New Orleans, reduced from affluence to poverty. She was a woman of extraordinary beauty and grace, with a brilliant intellect.





*Mr. Livingston is requested to accept this  
 picture as a mark of the sense & esteem  
 of his public services, and a token of  
 my private friendship and esteem.  
 Head quarters, N. Orleans.  
 May 1<sup>st</sup> 1815.      o. Andrew Jackson*

ANDREW JACKSON

Mr. Livingston's enforced exile enabled him to render great services to his country and to General Jackson during the campaign that preceded his victory at the battle of New Orleans, and during that battle he served as aide-de-camp, military secretary, interpreter, and confidential adviser, and there cemented and strengthened a friendship which had commenced years before when they were both members of the same Congress, and which was only ended by death.

One of the most interesting cases in which Mr. Livingston was engaged while in New Orleans was the successful defense of Jean Lafitte, the pirate, the celebrated John Randolph Grymes being associated with him. When their fee of \$16,000, which was enormous for those days, became due, it was a question which should go to Barataria to collect it. Mr. Livingston, who was Mr. Grymes' senior, and an inveterate joker, told him he had better make the pilgrimage, as he was sure to find himself at home in the pirates' lair. Mr. Grymes went, and while in this nest of pirates, was taken very ill and Lafitte tenderly cared for him until he was able to return to New Orleans.

Lafitte was the head of a band of smugglers called the "pirates of Barataria," from a place

on the island of Grand Terre, whom the British had tried to persuade to join them in invading Louisiana. Lafitte told them time and mystery would be necessary, and immediately informed Governor Claibourne and the Legislature of Louisiana, and offered the services of himself and band, on condition that their past deeds should be pardoned. This offer was not accepted until martial law was proclaimed and General Jackson in control, when on the advice of Mr. Livingston and many other prominent citizens the Baratarians were welcomed and formed two companies of artillery and fought with effect and bravery on our side.

Mr. Livingston's son Lewis, having been sent north to finish his education, his father wrote him a series of letters which indicated a breadth of view and profoundness of learning and an ideal of scholarship seldom met with. They were full of affection, and laid down principles of life and lines of study of the highest order. In one he writes: "Preserve a rigid, an inflexible regard for truth; it is the foundation of almost every virtue. He who always tells the truth can neither be a knave or coward. The reputation of always adhering to it gives a respectability which neither riches nor talents can procure; whereas, he who has unfortunately

acquired a contrary character can neither be esteemed, loved or trusted." Lewis lived quite up to the precepts of his father and returned to New Orleans, having more than fulfilled the hopes of his family. His health failed later, and he went to France for medical advice. After a few months absence he sailed for home, and as soon as the vessel arrived Mr. Livingston went on board to find his son had, about three weeks before, been buried at sea.

Mr. Livingston, in 1820, was elected a member of the lower house of the Louisiana Legislature. In 1821, by joint ballot of the General Assembly, he was elected to revise the Criminal Code of the State. He commenced this work with enthusiasm, and two years after had reported his plan to the Legislature. It was styled, "A System of Penal Law," and was divided into a "Code of Crimes and Punishments, a Code of Procedure, a Code of Evidence, and a Code of Reform and Prison Discipline, besides a Book of Definitions." Mr. Livingston had taken his manuscript to New York to be printed, and was at work until very late one night in comparing the original draft with an engrossed copy prepared for the printer. He was awakened later by an alarm of fire, and rushing to his library found both draft and copy reduced

to ashes. He had nothing left but a few pages then in the printer's hands, and a few notes from which to reconstruct his work. He commenced the morning after the fire, and in two years had accomplished the undertaking.

His Code was not accepted by the Louisiana Legislature, but it was received by the world with heartiest praise. Many of his recommendations have been incorporated in the laws of our States and foreign lands. His reputation as a philosopher and reformer, and a writer of terse and polished English was established throughout the world. In the Code he advocated the abolishment of capital punishment, and sought "to bring under one central direction crime, vagrancy, beggary, and all forms of pauperism—in short, to blend into a single system the whole machinery of poor-house, work-house, and bridewell."

It was reprinted in full in England and in France, and almost entirely by the reviews in Germany. Victor Hugo wrote to him: "You will be numbered among the men of this age who have deserved most and best of mankind." Jeremy Bentham proposed that a measure be introduced in Parliament to print the work in full for the use of the English nation. The Emperor of Russia and the King of Sweden wrote him



autograph letters. The King of the Netherlands sent him a eulogistic gold medal. Guatemala translated and adopted the Code of Reform and Prison Discipline, and named a city and one of its provinces Livingston. The great public men of the United States, among them Kent, Story, Marshall, Madison, and Jefferson, expressed to him their admiration and respect. The latter saying at the close of a long letter on the subject: "Wishing anxiously that your great work may obtain complete success and become an example of other States, I pray you to be assured of my unabated friendship and respect. . . . It will certainly arrange your name among the sages of antiquity."

Mr. Livingston was elected a Member of Congress from Louisiana in 1823 without opposition, and was reëlected for the two succeeding Congresses. Two years of this term General Jackson was a Senator, and their old intimacy was renewed. In 1826 he paid his debt to the government, which had more than doubled, by conveying to it lots in New Orleans for \$100,014.84, which shortly after were sold by the government at a profit. On the day General Jackson was inaugurated Mr. Livingston was elected a United States Senator. The President almost immediately offered him the mission to

France, but on account of his private affairs he was obliged to decline it.

In 1828, Mr. Livingston's sister, the widow of General Montgomery, died, and by her will he received most of her fortune and Montgomery Place on the Hudson River, near Barrytown. This was an estate of four hundred acres, which had originally been included in the Schuyler patent, and has an extended frontage on the Hudson River. The ground is rolling and planted with fine trees placed with intelligence and taste. A part of it is covered with a wood in which there are giant oaks, chestnuts and hemlocks, which is full of ravines and glades and interspersed with paths, leading through moss-covered banks along which you see beds of ferns, laurel, juniper and periwinkle, arranged so artistically, as in no way to disturb or dispel the sylvan beauty of the scene. These paths lead to a stream and then to a waterfall of about fifty feet, whose rush and roar break the woodland silence, but add to the charm of this retreat. A short distance above is another fall of less height but of much beauty. The day I wandered through these woods there was an October haze in the air, the trees were still blazing with autumn tints, and the freshly fallen chestnuts and maple leaves rustled under

our steps and helped fill the place with that golden light which is one of the delights of our fall days. In these woods, along these paths, the great and good Edward Livingston often strayed, with his favorite books and faithful dogs.

The house was built in 1802 by Mrs. Montgomery, who had sent to Ireland for her husband's nephew, the Hon. William Jones, a son of Viscount Ranelagh, to come and live with her. He assisted in building the house, and showed rare taste in doing so.<sup>1</sup> One cannot fail to be impressed by the long avenue of ancient trees through which you drive on entering Montgomery Place. At its end a beautiful lawn spreads out, and in the distance you see the house, which is of chaste and simple architecture, but tastefully ornamented.

You enter a large, square hall; on the left is a sleeping-room and on the right the library, and beyond these the drawing- and dining-rooms, with wide windows extending to the floor, and facing the Hudson and the Catskills.

<sup>1</sup> He survived its completion only a short time. One day, when apparently in good health, he announced to the family that he would soon be dead. They tried to persuade him to the contrary and called in a physician who pronounced him in good health, but the patient insisted that his death was near and told them that for three nights the Banshee had cried beneath his window. His death soon followed. This is the only ghost story I can connect with Montgomery Place.

The rooms are spacious, with lofty ceilings and woodwork of great beauty. They are filled with furniture, much of which was purchased by Chancellor Livingston, for his sister Mrs. Montgomery, when he was Minister to France. The walls are adorned with portraits of the Chancellor and his mother by Gilbert Stuárt, Edward Livingston by Inman, his beautiful daughter, Mrs. Barton, General Montgomery, Andrew Jackson, and many members of the family. There is also a bust of Edward from which the illustration at the beginning of this sketch is copied, and one of General Jackson, and also a miniature of the latter, of which the illustration opposite page 93 is a copy.

About 1840 Mrs. Barton renovated the house and added to it an Italian pavilion and a piazza, the balustrade of which is ornamented with urns in terra-cotta of antique pattern. She also added a wing to the south end of the house. At the end of the session of the Senate, in March, 1831, Edward Livingston returned to this delightful retreat and threw himself with characteristic enthusiasm into the cultivation of his garden and trees and shrubs. While thus occupied he was summoned to Washington, and offered by President Jackson the office of Secretary of State in his Cabinet. He accepted, and

served as such for about two years with distinguished success. He had been chosen a foreign associate of the Institute of France (Academy of Moral and Political Sciences), a distinction conferred on few Americans, on account of the reputation he had attained to through his Code.

On May 29, 1833, he was appointed Minister to France. He failed to effect the purpose for which he was sent, but through no fault of his own. His acts while there, many of them performed under the most delicate and trying circumstances, and his final withdrawal from France and return to the United States insured him an ovation on his arrival, and the unqualified admiration and approval of the whole country.

He had been for many years a Free Mason, and from the death of DeWitt Clinton, in 1829, until his own death, he was the official head of the Masonic General Grand Chapter of the United States. After his retirement from the French Mission he spent most of his time at Montgomery Place, entering into the pleasures of country life with enthusiastic zest, and indulging in the simple tastes in which he had so much delighted. In May, 1836, having always enjoyed robust health, he was taken suddenly ill,

and in a few days died of an intestinal trouble. His wife survived him for twenty-five years, and she was survived by her only child, Mrs. Cora Barton, who died in 1872, leaving no children. Montgomery Place seemed to have lost its light in the death of Edward Livingston. It was kept up, and the house left as near as possible in the same condition as when its master departed. His gun with its rusted flint-lock still stood in its accustomed corner, and not far from it is his fishing-rod. The Misses Hunt, Mrs. Barton's nieces, who now own the place and reside there, have preserved the atmosphere of the house and its beautiful grounds most charmingly.

Edward Livingston was one of those great yet simple natures we wish might be more frequently bestowed on the world. His intellect was brilliant, strong, and well balanced, his courage was undaunted, although assailed by misfortune after misfortune for many years; he seemed to gather from sorrow strength, and from adversity sweetness. His affection was deep and his friendships unbroken, save in the case of Thomas Jefferson, who seemed in his later years to delight in honoring one to whom he had been unjust. With Martin Van Buren, whom he succeeded as Secretary of State, there

was a friendship which even death did not extinguish, for many years after, Mr. Van Buren, when given the privilege of naming a grandson, called him Edward Livingston Van Buren. From boyhood an intimacy had existed with General Lafayette, and the last letter dictated by the Marquis, just before his death in 1834, was to Edward Livingston. In it he refers to the abolition of slavery in the United States, in which many of the Democrats at the North believed, considering its existence under our government an incongruity.

He was a loyal and consistent Democrat throughout his entire life. He was a true Democrat, always measuring himself according to his own abilities. He never seemed to feel that any advantage over others came to him through the distinction of his birth, and the wealth and power of his family. His manners were genial, and he at times showed almost boyish glee. He was of more than usual height, and until the end of his life carried himself with youthful ease and grace.

## AMBROSE SPENCER

AMBROSE SPENCER was born in Salisbury, Connecticut, December 13, 1765. His father, Philip Spencer, was of English descent, his great-grandfather having come from the west of England, and settled in Connecticut at an early day. Philip Spencer's wife was the daughter of Jonathan Moore, and was also of English extraction, and, although living in the land of the Puritans, she had her son Ambrose baptized in his infancy by a clergyman of the English established church, indicating strong convictions, and a spirit which enabled her to maintain them. Philip Spencer was a worker and dealer in iron, and soon after the birth of Ambrose removed with his family to the town of North East in Dutchess county. In 1770 he gave up the iron business and became a farmer. He was firm in his devotion to the cause of the Colonies both before and during the Revolutionary War. His means were limited, and he made great sacrifices for the education of his children. His two sons, Philip and Ambrose, were given





AMBROSE SPENCER



such educational advantages as the neighborhood afforded and were then sent to Canaan, Connecticut, where, under the charge of the Rev. Mr. Farrand, a Presbyterian minister, they were prepared for college.

In the autumn of 1779 they were admitted to the freshman class at Yale College. At the end of their junior year, in consequence of the college being disturbed by the Revolutionary War, they left, and finished their course at Harvard, graduating in July, 1783. Ambrose soon afterwards commenced studying law in the office of John Canfield, a distinguished lawyer of Sharon, Connecticut. He was studious in his habits, and, for his age, very self-reliant and matured. His legal preceptor had a very beautiful and attractive daughter, who was called, on account of her charms, "The Rose of Sharon." She was a year or two the junior of young Spencer. These two soon became interested in each other, and after a courtship full of romance, when Spencer had just passed his eighteenth birthday, they decided to take matters in their own hands and went away quietly and were married. Elopements were not unusual in those days among people of the best class. On the return of the newly wedded pair to the Canfield home the mother of the bride

was, on account of their youth, very indignant, and threatened to punish her daughter, calling her "Laura Canfield." The bride retorted, "Laura Spencer, if you please. The Spencers do not suffer people to punish them." The Canfields were soon reconciled to the marriage, which turned out a very happy one. Mrs. Spencer was endowed with a lovely nature and a fine mind. She was the mother of six sons, all of whom were born in Hudson, and two daughters, who were born after the removal of the family to Albany, one of whom married John Townsend, one of Albany's most distinguished and honored men. Several of their descendants are still living in Albany, and are among its most prominent citizens.

Some time in 1785, Ambrose Spencer found that in order to be admitted to the bar of the State of New York he would be required to study for three years in that State. He had commenced his studies, intending to practice there, and at once decided what to do. Leaving his young wife with her parents, he went to Claverack and entered the office of John Bay, a lawyer of excellent standing, who had been clerk of the city of Hudson. This office Mr. Bay relinquished and procured the appointment of Mr. Spencer in his place, thereby giving

him an opportunity to earn some money and to familiarize himself with public affairs. The young student pursued his legal studies with enthusiasm and made such rapid progress that in 1788, when he was admitted to the bar, his ability was already recognized and he was not obliged to wait for clients. His reputation grew with the years, and he found himself almost overwhelmed with cases of the gravest importance from all parts of the country, and constantly before the courts. His name is frequently found in Johnson's Cases, the earliest printed volume of reported cases, printed in 1799.

He took an active part in politics from the commencement of his law studies. In 1793 he was elected a Member of Assembly from Columbia county, in 1795 Senator from the eastern district, and in 1798 reëlected from the middle district, which then included Columbia county. In 1796 he was appointed assistant Attorney-General from the Columbia and Dutchess judicial district. He was appointed a member of the Council of Appointment in 1797. This was originally composed of the Governor and one member from each of the four senatorial districts, who were chosen from the six Senators of the district by the Assembly. It was author-

ized to appoint almost all officials, both State and local. Prior to 1801 the Governor had the power to appoint, by and with the consent of the council, but after the amendment of the Constitution in that year any member of the council could nominate, an appointment being made by a majority. It is said Judge Spencer dominated the council, and for over twenty years ruled it like an autocrat.

In February, 1802, he was appointed Attorney-General, and in 1803 removed to Albany. He was appointed a Supreme Court Judge in 1804, and in 1819 Chief Justice, and retired in 1823. In 1808 he headed the electoral ticket, the vote being cast for James Madison. He was a delegate to the Constitutional Convention of 1821 and active and useful in its deliberations. The degree of LL.D. was conferred upon him by the University of Pennsylvania in 1819, and by Harvard College in 1821. He was appointed Mayor of Albany in 1824, and re-appointed in 1825. In 1829 he was elected a Member of Congress from Albany.

As we have seen from the enumeration of the offices held by Ambrose Spencer, and as we may conclude when we consider their importance, the influence he exercised in the political world was most potent. In 1798 he formed a strong

personal and political friendship with DeWitt Clinton, which continued for several years, and in 1808 was strengthened by his marriage to a sister of Mr. Clinton, his first wife having died. From 1807, the year the Embargo was laid, to 1812, these two men really controlled the State government. Differences in regard to the granting of the charter of the Bank of America, and the War of 1812, of which Mr. Spencer strongly approved, and his belief that a change of administration, National or State, would be unwise, to all of which Mr. Clinton was in opposition, he being himself a candidate for the Presidency against Mr. Madison, separated them. They however became reconciled after the war ended, and renewed their former relations. These were further strengthened by Mr. Spencer, who, after the death of his second wife, married another sister of Mr. Clinton, and continued until the death of DeWitt Clinton in 1828.

On the formation of the Whig party, Mr. Spencer became a member of it, and was largely instrumental in procuring the nomination of Henry Clay for the Presidency in 1844, being the presiding officer of the convention at which the nomination was made. Mr. Clay's defeat robbed him of all interest in politics, and he

thereafter absolutely refused to take any part in them.

In 1804, when he was appointed a Justice of the Supreme Court, he had as associates James Kent, who was made Chief Justice that year, Brockholst Livingston, and Smith Thompson, who became Secretary of the Navy in Monroe's Cabinet in 1818. In 1807 Wm. W. Van Ness took the place of Judge Livingston, and in 1814 Judge Kent was made Chancellor, and was succeeded by Jonas Platt. These men were all judges of marked ability and learning, and have helped to make our bench illustrious and our State renowned.

Until Judge Kent's appointment in 1798 it had not been customary for our judges to write opinions. He introduced the custom in important cases. No attempt was made to regularly report the cases coming before the Supreme Court until 1803, the first reporter, William Johnson, being appointed under a statute passed shortly after Judge Spencer commenced his judicial career. The first volume of Cranch's United States Supreme Court Reports was not published until 1804. He thus found himself in a position where little aid could be obtained from the decisions of the judges in this country, who had preceded him, and with the American



common law to be constructed from its foundations. During the term of his judicial service, from 1804 to 1819 as Justice, and as Chief Justice of the Supreme Court from 1819 to 1823, when the Constitution of 1821 retired the members of the judiciary and other officials, a comprehensive system of American common law was built up, adapted to the circumstances of the people of this country, which was in many respects novel, and was from our standpoint an improvement over that of other countries where the common law had been applied. The twenty volumes of Johnson's reports show that the principal share of this gigantic and invaluable work was done by Judge Kent and Judge Spencer.

In summing up the character of Ambrose Spencer, one who knew him well spoke of him as "great in his whole nature, and that in his original constitution, the intellectual, the moral, the physical, were brought together in admirable proportions. . . . The operations of his intellect outstripped the lightning. More would be revealed to him by a single glance at a difficult subject than most minds would gather from a process of diligent and practical research." He possessed wonderful perception in measuring and weighing the intellectual and moral

qualities of those he met, and when he discovered anything that savored of meanness his wrath would be aroused in an instant, and it was terrible. He was over six feet in height, with broad shoulders, and carried himself erect, and moved with energy and rapidity. He spoke and wrote with great clearness and impressed one with the depth and sincerity of his convictions. One of the most marked qualities of his character was his strength, mental, moral, and physical. He was a stern judge, but always just.

After his retirement from the bench he, for a brief period, practiced his profession in Albany, and then purchased a farm just out of the city where he became much interested in agriculture. His third wife died in 1837, shortly after their marriage. In 1839 he removed to the village of Lyons, in Wayne county, where he devoted himself to the beautifying of the extensive grounds about his house, and to horticulture. He was much alone; his health, until within a few months of his death, was perfect, and his mind active. He had lead a most exemplary life and during these last years he became interested in religion, and was received into the Episcopal church. After this he wrote to his two lifelong friends, Chancellor Kent and

General Armstrong, with the latter the ties of friendship having been since 1797 of the strongest, and advised them of his experiences, and begged them to follow his course. This was done, both making public profession of their religion.

After an illness of several months' duration, Judge Spencer died on March 13, 1848, in his eighty-third year. There is a portrait of him in the Court of Appeals room in the Capitol at Albany.

## JACOB RUTSEN VAN RENSSELAER

A DISTINGUISHED MEMBER OF AN  
HISTORIC FAMILY

KILLIAN VAN RENSSELAER, the second Lord of the Manor of Rensselaerwyck, and the fourth Patroon, conveyed in 1704 to his brother Hendrick, sixty-two thousand acres of land in the southern part of his manor, on the east side of the Hudson River, in which the town of Claverack was included. What is called the "Van Rensselaer outpost," was built by Hendrick Van Rensselaer and used by him from time to time, and is the house for many years occupied by Peter and Frederick Mesick, opposite the Van Wyck property in Claverack village, and is probably the oldest house in that vicinity. Hendrick's permanent residence was built on the river bank opposite the lower part of Albany, on land conveyed to him by his brother in 1704, which commenced below where Bath is now built and extended south along the river and back to the top of the hills, and embraced fifteen hundred acres. It was called

Crailo, and was constructed so that it could be defended from Indians and bands of French marauders in their incursions from Canada. This house is still standing. His son, Johannes, was born at Crailo and lived there. He had the territory in Columbia county conveyed to his father erected into a manor, and was known as the first proprietor of Claverack. Catherine, his daughter, became the wife of the celebrated General Philip Schuyler. Her son married a sister of the seventh Patroon, one daughter became the wife of Alexander Hamilton, another married Stephen Van Rensselaer, the eldest son of the last Patroon, another the grandfather of Colonel Walter S. Church, whose bravery and determination in putting an end to the anti-rent troubles in Albany county are matters of history, and another Washington Morton of New Jersey; Mrs. Hamilton was the only one of the four who was married at the Schuyler mansion, the other three having eloped. The youngest daughter, who was named for her mother, Catherine Van Rensselaer, was known as "the godchild of Washington," General and Mrs. Washington having been sponsors at her baptism in Albany in 1781.

Jeremias, the eldest son of Johannes, was born and lived at Crailo. His eldest son, John

Jeremias, or John I., as he is improperly called, was also born and lived at Crailo. His second son Robert came to Claverack and built what is known as the manor-house, about a mile east of Claverack village, a handsome brick structure, which is now occupied by the widow of Allen S. Miller. I cannot learn that Hendrick or any of his descendants were entitled to be called Patroon. All such titles were done away with upon the establishment of the United States government, and when John Jeremias (John I) disposed of such manorial rights as he possessed, no such title passed to the purchaser. The inscription on the base of the statue of St. Winifred, on Promenade Hill in Hudson, in which the donor, who is not a member of the Van Rensselaer family, describes himself as "the last Patroon of the Lower Claverack Manor," is, to say the least, misleading.

Jacob Rutsen Van Rensselaer was born in the manor-house at Claverack, in 1767. After being admitted to the bar he practiced there, and was regarded as a lawyer of ability. He seems to have delighted in the excitement attending the career of a politician, and became so engrossed in politics and other affairs, he was obliged, to a large extent, to give up his practice. He was one of the leading Federalists of

his time, and is described as a bold, active, and zealous politician, a man of talents, liberal, generous, patriotic, and one of the most popular men in the State. He was elected a Member of the Assembly nine times, and in 1812 was the Speaker. He was appointed Secretary of State in 1814, and was a member of the Constitutional Convention of 1821. In that body he exercised great influence, being a frequent and ready debater. In the war of 1812 he commanded the men drafted from Columbia county, which were ordered to the defense of the city of New York, holding the rank of Brigadier-General.

Letters from him in my possession indicate a man of education, broad views, and liberality. It seems as if more of an effort should have been made by the members of his family to preserve the facts of his life, and a detailed account of the services he rendered as a statesman in helping to build the State, for his abilities were of a high order, and his energy, activities, and achievements sufficiently great to merit an extended record in history.

He died September 22, 1835, and is buried in the cemetery at Claverack.

## ELISHA WILLIAMS

### HUDSON'S GREATEST ORATOR

ELISHA WILLIAMS was the son of Colonel Ebenezer Williams of Pomfret, Connecticut, and was born there August 29, 1773. His ancestors were very remarkable people and took so important a part in public affairs in the early days of New England, and bore their privations and trials with such fortitude, they deserve more than a passing notice.

Robert Williams was the first to arrive in this country, coming from Wales in about 1638, and settling at Roxbury, Massachusetts. He immediately became a person of importance in the colony. His grandson, Rev. John Williams, the first minister of Deerfield, was born at Roxbury, in 1664. He is known in history as the "Redeemed Captive." In February, 1704, an attack was made on Deerfield by the French and Indians, in which two of his sons were murdered, and he and his wife and four children were taken captive. After burning the town, a march through trackless forests, almost im-





ELISHA WILLIAMS



passable on account of ice and snow, was commenced toward Canada. Mrs. Williams and the children were separated from her husband, and on the second day of the march she and one of the boys were murdered. After many days and nights of most cruel treatment and greatest privations, those of the captives who had not perished by the way, or been murdered, arrived in Canada. Mr. Williams remained there about two years a prisoner, and was then, with two of his children, redeemed and brought back to New England, where he preached for many years. His other son was subsequently redeemed and became a minister of great celebrity.

A daughter, who was ten years old when captured, the Indians refused to give up. Afterwards, when she was permitted to return, she refused to do so, married an Indian, having adopted their customs, and lived among them until her death at the age of ninety. Late in life she and her children from time to time visited her relatives in New England. Her grandson, Eleazer Williams, the Indian missionary, born in 1787, was known as the "dauphin," and was believed by many to have been the son of Louis XVI and Marie Antoinette, Louis XVII of France, whose death was pro-

claimed in Paris, June 8, 1797. He believed this to be true, and related that in October, 1841, he was approached, while on a steamboat, by the Prince de Joinville, a son of Louis Philippe, who assured him of his identity with the dauphin and made him splendid offers, provided he would relinquish his rights to the crown of France.

Elisha Williams, born in 1694, a member of the same family, was the fourth president or rector of Yale College. Hon. William Williams, another relative, was a signer of the Declaration of Independence and had a brilliant military career upon the staff of his uncle, Colonel Ephraim Williams, the founder of Williams College. The Williams family was very numerous and furnished many other ministers, soldiers, and officials of distinction.

Colonel Ebenezer Williams, the father of Elisha Williams, the subject of this sketch, died while his son was still very young, and Captain Seth Grosvenor of Pomfret was appointed his guardian. His early education was not very thorough, and when quite young he commenced the study of law in the school of Hon. Tapping Reed, LL.D., at Litchfield, Connecticut, an ex-Chief Justice of the State. Judge Reed had been the tutor of Aaron Burr and his sister,

who had become his wife. The students at his school lived in his family. Mr. Williams was admitted to the bar in 1793, before he was twenty, and immediately started forth to seek his fortune. His horse, a portmanteau, which contained his clothes, and less than twenty dollars represented his capital. He located at Spencertown, in Columbia county, a place of importance at that time. In 1795 he married Miss Lucia Grosvenor, a daughter of his former guardian. He removed to Hudson in 1799, and remained there during his subsequent professional life.

One who knew him described him in substantially these words: He was a man of remarkable personal appearance. His figure was imposing, his countenance full of manly beauty and beaming with intelligence; his voice was clear and melodious, and his manner engaging and gracious. There was about him a superior mien that enchained the attention of all. Possessed of so many advantages of person, which were combined with a brilliant wit, a profound knowledge of human nature, a beautiful and ready flow of language, a vivid imagination, and often in his speeches "a soul-subduing pathos," it is not to be wondered at that his success at the bar was great from the start.

He found for legal adversaries Martin Van Buren, William W. Van Ness, Ambrose Spencer, Jacob Rutzen Van Rensselaer, and many other eminent men. His practice extended far beyond the confines of the county, through the State, and into other States. So great was his reputation as a brilliant lawyer and orator that when it became known he was to take part in the trial of a case or speak in public crowds would assemble to listen with awe to his inspired eloquence. Like all great orators, he was to a certain extent the idol of his time and locality. His other attractive qualities naturally added to the esteem in which he was held. I can recall to mind no individual in this part of the country who has always been spoken of to me with such affectionate and reverent homage. Oliver Wendell Holmes, in his "Poet at the Breakfast Table," relates that he once asked the distinguished Gulian C. Verplanck: "Who on the whole seems the most considerable person you ever met?" and he replied without hesitation, "Elisha Williams."

It seems especially strange that one whose career was so brilliant, and who was so beloved by all, should have left so little material from which the tale of his life may be told. No son survived him to write his history, and no one

else seems to have taken up the task. Like most people gifted with eloquence, the splendor and power of his mental and personal qualities were appreciated most by those who saw and heard him.

In 1801 Mr. Williams was elected a Member of Assembly, and from that time he was one of the leaders of the Federal party in this State. He declined to accept other offices, although some of the highest were offered to him, except that of Member of the Constitutional Convention of 1821. He was active in its deliberations, and made several speeches, in one of which occurs this passage: "The votes we are to give on this occasion will be placed on never-dying records; it behooves us, therefore, to transmit to posterity something which may be worthy of future remembrance. If the demon of party is suffered to prevail, in a few short years it may be said of our doings that they were the result of a party convention, that our proceedings were dictated by the tyrant of party; that under its influence we had effaced the fairest feature in the Constitution, and destroyed the proudest pillar in the fabric of our government. Party, sir, is the gourd of a day; it flourishes in the night of deception, but withers when the full rays of investigation are brought to beam

upon it. 'A good constitution is the heart of the body politic; its influence flows through all the veins and arteries, and warms and animates the extremities; it is the sun of our system, around which revolve in harmonious order the executive, judicial, and legislative departments.'

Some one said of him: "He was, indeed, the most noble, perfect, and Godlike form I ever beheld; it seems as if the Creator, in the formation of his body and mind, designed to make a magnificent display of his superior skill and workmanship."

Chancellor Kent wrote of him: "While I was judge, until 1814, he frequently tried cases before me at the Circuit, and he was eloquent, ingenious, and impressive, and showed especially his sagacity and judgment in the examination of witnesses at the trial, and his addresses to the jury were always forcible, pithy, argumentative, and singularly attractive, and heightened by a volubility of his language and melody of his voice, and his commanding eye and dignified and attractive person."

He was president of the Bank of Columbia of Hudson for several years. This was the third bank chartered in this State; its capital was \$160,000. He resided for a long time in the place now owned by Richard Aitkin in that city.



His extensive and lucrative practice and judicious investments made him a man of large wealth for those days. He was genial and generous, his life was not darkened with evil, and while he was at times assailed by sorrows, he bore them with manly resignation. The forty years spent by him in the city of Hudson were a distinct advantage and a source of constant satisfaction to its citizens.

He died in the city of New York, June 29, 1833. Meetings of the bar were held in New York, Albany, Utica, and Hudson, at which appropriate resolutions were passed and eulogies pronounced.

## DANIEL CADY

DANIEL CADY was born on April 29, 1773, in that part of the town of Chatham in Columbia county which is now Canaan. He learned the shoemaker's trade, and when about fifteen years of age, while at work, met with an accident which destroyed the sight of one of his eyes. He then decided to study law, and commenced in the office of Judge Whiting at Canaan. About two years afterwards he went to Troy and finished his studies in the office of John Woodworth, who afterwards was Attorney-General and a Judge of the Supreme Court. He opened an office in Florida, Montgomery county, in this State, and remained there one year and then moved to Johnstown, the county seat.

His success at the bar was marked from the beginning. He had won the confidence of his clients and the people among whom he lived, and he was esteemed for his ability, energy, and honesty. In the reports, we find his name in many cases of importance, associated with or

opposed to the prominent and leading lawyers of the day. He was regarded as one of the best authorities on the law of real estate. He served several terms in the Assembly and one in Congress. In 1847 he was appointed a Judge of the Supreme Court by Governor Young, and after seven years' service on the bench, which placed him in the foremost rank among our judges, he resigned. His death occurred in 1859. There is a portrait of him in the Court of Appeals room in the Capitol at Albany. He married a daughter of Colonel James Livingston.

His daughter, Mrs. Elizabeth Cady Stanton, has been well known for her strong mind and her earnest and continuous struggle to advance the rights of women.

Hon. J. Rider Cady of Hudson is descended from the same family.

## THE VAN NESSES

### OF LINDENWALD

PETER VAN NESS, who was a descendant of the family to which the celebrated Dutch Admiral belonged, lived in that part of the town of Claverack which is now Ghent. His ancestors came to this country at an early day. He was a man of fair education, fine taste, and large means, and an uncle of Judge William W. Van Ness. He commanded a regiment at the time of Burgoyne's surrender. About 1780 he removed to Kinderhook, and built Lindenwald, which for many years, during the residence of the Van Ness family, was celebrated for its hospitality, and afterwards became widely known as the home of Martin Van Buren. Washington Irving spent much time with the Van Nesses at Lindenwald, and with General John P. Van Ness at Washington, and while stopping with them wrote some of his best-known books.

On April 13, 1786, Peter Van Ness was appointed a first Judge of the Court of Common

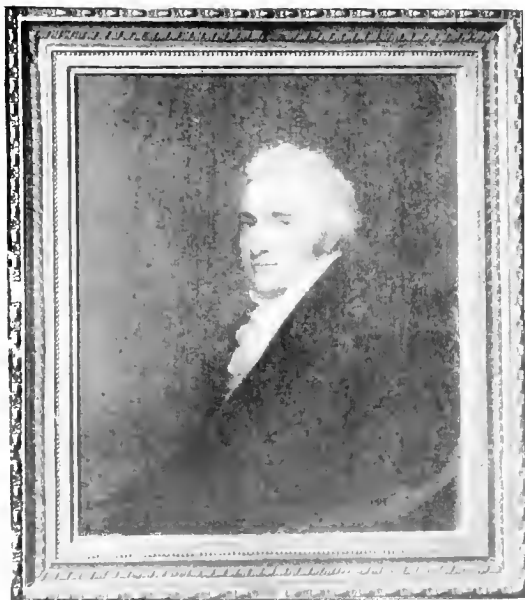
Pleas. He was a member of the convention which met at Poughkeepsie and adopted the Constitution of the United States. In 1789 he was appointed a member of the Council of Appointment.

He died at Lindenwald in 1804, and is buried there. It is said that his ghost haunts his old home, I have not, however, received proofs sufficient to justify me in stating this as a fact.

He had three sons of remarkable ability, who rose to positions of great distinction.

## JOHN P. VAN NESS

THE eldest of Peter Van Ness's sons, John P., was born in the town of Ghent in 1770. After graduating at Columbia College, he entered the law office of Brockholst Livingston, in New York, as a student. He commenced practicing law in Claverack in 1799, but was soon obliged to retire on account of his health. In 1801 he was elected a Member of Congress from this district. While in Washington he became engaged to Miss Marcia Burns, who was beautiful, charming, and wealthy. Her father, David Burns, had recently sold to the United States the land on which the White House and government buildings, and the larger part of the city of Washington now stand, and from the rise in value of the land he kept, had become enormously rich. In 1802 Mr. Van Ness married Miss Burns, and afterwards resided in Washington. President Jefferson appointed him Brigadier-General of the Militia of the District of Columbia, and President Madison promoted him to be Major-Gen-



JOHN P. VAN NESS





eral. He was Mayor of Washington for many years, until he declined to be reëlected. The Bank of the Metropolis was established through his efforts, and he became its president and remained in office until his death. He lived in a fine mansion, which is still standing back of the White House, and there for many years he and his charming wife dispensed a generous hospitality.

His wife was noted for her delightful manners, attractive appearance, and sweet disposition; she was generous and benevolent, and universally beloved and respected. She was regarded almost as a saint, and on the day of her funeral both houses of Congress adjourned, a mark of respect never shown to any other woman. The orphan-asylum in Washington was founded by her. In the hall as you enter hangs an admirable portrait of her by Rembrandt Peale. Her sweet face gazes out at you from a beautiful old-fashioned cap, and about her are some pretty children; the whole effect makes one feel she is a real benefactress. The ground on which St. John's Episcopal Church in Washington is built was her gift. Many years ago, when improvements were made in its interior, all of the pews were removed and rearranged except the one occupied by General and Mrs.

Van Ness, which was left as originally built, and is still owned and used by their heirs. Gilbert Stuart, the great artist, whose portraits of Washington are so highly prized, painted the portraits of General and Mrs. Van Ness, and they are among the finest specimens of his art. General Van Ness had but one child, a daughter, who married Mr. Middleton, a Member of Congress from South Carolina. She died without children. He afterwards went to live in Italy, married an Italian, was made the Count de Middleton, and became Chamberlain to the King of Italy.

Colonel William Henry Philip, who was a grand-nephew of General Van Ness, went to Washington and lived in his family, spending his summers in Claverack, at Talavera, which place is now owned and occupied by his children.

General Van Ness died at Washington in 1846, and he and his wife are buried there.

## WILLIAM P. VAN NESS

THE second son of Peter Van Ness, William P., was born in Ghent in 1778. He was educated at Columbia College, and studied law in the office of Edward Livingston in the city of New York. After being admitted he commenced practice there in 1800. In 1802 Martin Van Buren completed his legal studies in his office. Aaron Burr was on terms of great intimacy with Van Ness, and at that time was a candidate for the office of President. He and Thomas Jefferson each received seventy-three electoral votes, and the election having been thrown into the House of Representatives, Mr. Jefferson was chosen President and Mr. Burr Vice-President. Mr. Van Ness had participated in the campaign with enthusiasm and did all he could to further the success of his friend Burr. He wrote a pamphlet in which the Clintons and Livingstons were bitterly arraigned, and accused of dividing the best and most important offices among their families.

This was a production of such remarkable literary merit, and evinced such wonderful mental power on the part of the writer, that, although it was signed Aristides, its authorship was soon found out and Mr. Van Ness received the greatest homage.

On July 11, 1804, he was Aaron Burr's second in his duel with Alexander Hamilton. The challenge was carried by Jacob Van Ness, who was at the time a student in the office of William P. Van Ness, his cousin. After the fatal termination of the duel the indignation of the public was so aroused that Burr was compelled to flee. He went to Red Hook, and was for some time concealed there in the house of General David P. Van Ness, who was an uncle of William P. Van Ness. This house, which is a fine, spacious mansion, was built about 1735, and is now owned and occupied by Captain Lawrence Timpson.

His position as a lawyer and writer had become firmly established, and until about 1810, when he was appointed Judge of the United States District Court for the Southern District of New York by President Madison, he had an extensive practice. His career as a judge was marked by great ability, and his decisions displayed breadth of mind, wisdom, and shrewd-

ness. In 1813 he was appointed, with John Woodworth, to revise the laws of the State.

On September 6, 1826, while in apparently perfect health, he died in an instant. It was supposed from apoplexy.

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## CORNELIUS P. VAN NESS

THE third son of Peter Van Ness, Cornelius P., was born at Lindenwald, January 26, 1782. He was fitted for college, but did not enter, having decided not to study a profession. When eighteen years of age, he changed his mind and entered his brother William P. Van Ness's office as a student. He was admitted to the bar in 1804, and in 1806 moved to St. Albans, Vermont, where he commenced practice. Three years later he removed to Burlington. In 1809 he was appointed postmaster at Burlington, and President Madison also appointed him United States District Attorney for Vermont. He resigned in 1813, having been appointed Collector of Customs, an office of great importance during our war with England. In 1816 he was appointed a commissioner to settle the northeastern boundary. In 1818 he was elected a Member of the General Assembly, and reëlected the three succeeding years. In 1821 he was appointed Chief Justice of the Supreme Court, and in 1823 elected Governor of



CORNELIUS P. VAN NESS





the State. He was twice reëlected, and then, declining to run again, resumed the practice of his profession. In 1829 President Jackson appointed him Minister to Spain. He remained abroad ten years, and in 1841 returned to the city of New York, where he resumed his practice.

While in the Vermont Legislature he was largely instrumental in procuring charters for two banks, of one of which he was president until he was elevated to the bench. His career was most brilliant, and his devotion to his profession lasted throughout his life, whenever he withdrew from official life he would resume his practice with an alacrity which showed that he loved the law.

One of his daughters married Judge James Roosevelt of the Supreme Court, a great-uncle of President Theodore Roosevelt, and thus we may once more associate old Lindenwald, in a way, with the highest official in the land. Mrs. Roosevelt was long a leader of New York society, and noted as a charming and gifted woman. Another daughter married the Minister to the United States from England, Sir William Gore Ousley, and went to live there.

## WILLIAM W. VAN NESS

WILLIAM W. VAN NESS was born in 1776, at Claverack in Columbia county, in the house adjoining the Dutch church property on the north, which had been built by his father, William Van Ness, many years before. This is a very interesting old mansion, and in the arrangement of its spacious rooms and long piazza are shown the good taste and comfort enjoyed by the people of those days. He was educated at the celebrated Washington Seminary in Claverack, which was a school of high standing, numbering some years a hundred pupils, and presided over by Andrew Mayfield Carshore, who, having come here with General Burgoyne, after the surrender of the latter, established a school at Kinderhook. He was subsequently a tutor in the family of Dominie Gebhard, at Claverack, and while there became proficient in Greek and Latin. He afterwards started the Washington Seminary, and at the end of twenty-five years, the Hudson Academy

having been built for him, he removed to that city.

At the age of fourteen, Mr. Van Ness commenced his legal studies in the office of John Bay of Claverack. These were continued in the office of Chancellor Livingston in the city of New York. In 1797, on being admitted to the bar, he opened an office in his native town, and two years later, when he was admitted as counselor, he married Jane, the daughter of John Bay, and moved his office to Hudson. He built a residence on land adjoining his father's on the north. This place is called Talavera, and is now owned and occupied by the children of Colonel William Henry Philip, who was a descendant of the Van Ness family.

After several years of successful and lucrative practice, in which he had established his reputation as a lawyer of unusual ability, he was, in 1805, elected a Member of Assembly, and became the Federalist leader in that body. He was reëlected in 1806. Governor Morgan Lewis appointed him a Judge of the Supreme Court in 1807. He remained upon the bench about fifteen years, when he resigned and opened a law office in New York. He had been some time afflicted with dyspepsia, which grew much worse, and being advised to go South,

went to Charleston, South Carolina, where he died, February 27, 1823. He is buried in the cemetery at Claverack.

He was the first president of the Columbia County Bible Society.

His career as a judge was most brilliant. Towards its close an attack was made upon him by his political adversaries in the *New York American*, in which it was alleged that he had been bribed in the securing of a charter for the Bank of America. A committee was appointed by the Legislature to investigate these charges with a view of impeaching him if they were found to be true. After a long and thorough investigation, in which witnesses were examined, a report was made by the committee, which was adopted by the Legislature, and entirely exonerated Judge Van Ness from the charges made. One of the leading newspapers of the day, in referring to the case, said: "The report, though brief, is full, satisfactory, and conclusive. He has passed the ordeal unharmed, and that, too, at a period of party excitement almost without a parallel! Every engine that party rage, wealth, and influence could command has been set in motion to impeach his conduct, with certain charges preferred against him by the editors of the *American*, but, after the strictest scrutiny,

nothing could be proved against him. On the contrary, his innocence has been completely established."

Judge Van Ness was undoubtedly a man of an extremely sensitive nature, and from the base attack upon him by his political foes, although he was entirely exonerated, he never rallied.

Those summing up his character and qualities as a judge, a lawyer, and a man, who personally knew him, express their admiration, affection, and appreciation in such intense and glowing terms that one hesitates to quote their words in an article written for readers of the present somewhat prosaic and matter-of-fact days. He certainly seems to have found a place in their affections and to have fulfilled their ideals in a most surprising manner.

At a meeting of the members of the Columbia County Bar, on March 22, 1823, Elisha Williams, in seconding the resolutions submitted on the death of Judge Van Ness, spoke as follows: "My heart is full of grief; I have lost in him whose death we lament one of Heaven's greatest gifts to man—an affectionate, disinterested friend. The ligaments which unite kindred hearts are nourished with the issues of the vital fountain. We all mourn this deep affliction.

Our common friend has been summoned to another and a better world. He was indeed the pride, the ornament, the patron, of our bar. How often has he animated and admonished those who now hear me to strive for honorable profession! How has he encouraged the retiring, timid youth, how pruned the luxuriant shoots of genius, careful to detect and faithful to disclose to each his errors! The heart of our brother was a stranger to that jealousy which narrow minds feel at a rival's success. His soul exulted in the rising fame and increasing prosperity of his professional brethren. The honor of the bar he considered as the property of the State, and he who contributed most to swell this common fund he regarded as the greatest public benefactor.

“Careless of the acquisition of wealth, he has left little of it to his bereaved family. But he has left to them and to posterity a legacy more valuable than riches, more durable than marble. Let us, while deploring this afflictive providence, profit by his bright example. Let us, upon the altar of friendship, as over his urn, and in the presence of his departed spirit, swear that we will, like him, tenderly respect and affectionately nourish each brother's fame and become mutual helpmates in our professional ca-

reers. Let us remember, too, that soon, very soon, we may be called upon to unite our spirits with his, and that character—a character which ennobles the dead and rebukes the living—is all that is valuable that will be left of us this side of the grave.”

## THOMAS P. GROSVENOR

THOMAS P. GROSVENOR was born in Pomfret, Connecticut, in 1780. He was two years at Williams College, and at the age of sixteen entered Yale College, where he graduated with the highest honors. In 1800 he commenced the study of the law in Hudson, in the office of his brother-in-law, Elisha Williams, and was admitted to the bar in 1803. He opened an office in Catskill. His thorough education, great intellect, and the fact that he was a brilliant orator, quickly brought him clients, and he rapidly rose in his profession. In 1807 he removed to Hudson, where, in partnership with Thomas Bay, Esq., he continued to practice law.

He was very active in politics. In 1809 he was nominated by the Federalists for the Assembly. The campaign was characterized by bitter personalities and calumnies such as would not now be tolerated, everything was resorted to to defeat Mr. Grosvenor. He was, however,



elected, and his services in the Legislature were so great, and his eloquence, which was extraordinary in its character and power, gave him so conspicuous a position, that he was reelected in 1810 and 1811. His traducers had been silenced by their inability to prove their accusations and his able and brilliant career as a lawmaker. During part of his legislative service he was District Attorney of Columbia county.

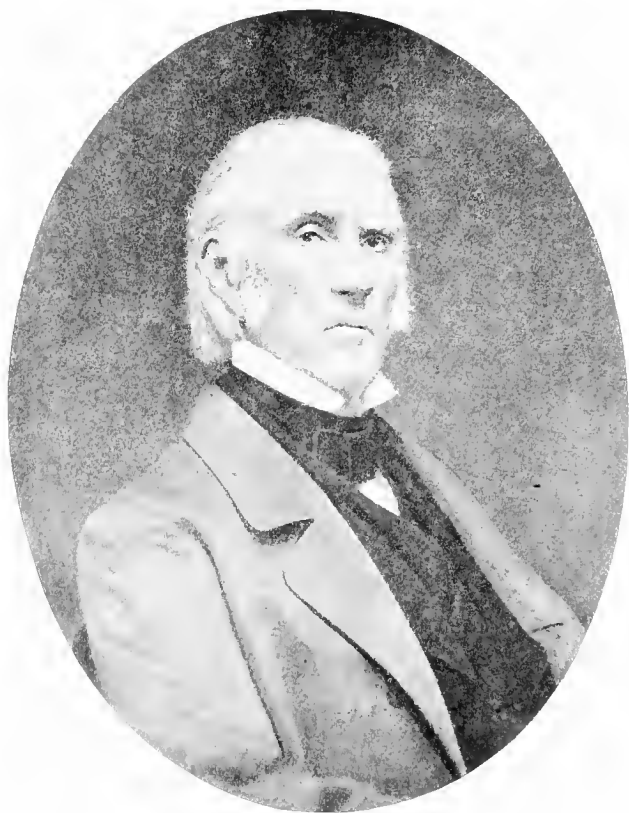
Colonel Robert Le Roy Livingston having resigned as a Member of the Twelfth Congress, Mr. Grosvenor was elected to fill the vacancy, and also as a Member of the Thirteenth Congress. He was reelected in 1814 and 1816. His Congressional services were rendered at a time of great excitement, and he became so conspicuous among many able men that his district felt honored in having such a representative. In 1815 he married a daughter of Judge Hansen of Baltimore, Maryland, and afterwards, until his death in 1817, spent most of his time in that city.

Mr. Grosvenor's wife died six months after their marriage, and he followed her in about fifteen months. They are both buried in the Hudson cemetery.

His associates in Congress paid tributes to

his memory in glowing terms. They lauded his intellect, his eloquence, and his personal characteristics. It was said that "for readiness and strength on any and every topic that arose in debate, for rough-and-tumble argument, Grosvenor had not an equal in Congress."





JOSEPH D. MONELL.

## JOSEPH D. MONELL

JOSEPH D. MONELL was born in Claverack, December 17, 1781, where his father lived and practiced medicine with distinguished success for many years. His paternal ancestors were from Ireland, and settled in Orange county in this State. His mother, Catherine Dwight, was a cousin of President Dwight of Yale College. He was educated at the school of Andrew M. Carshore in Claverack. This school had a wide reputation, and among its pupils were many who in after life became men of distinction.

Mr. Monell commenced his legal studies in the office of General Jacob Rutsen Van Rensselaer of Claverack, and completed them in the office of Peter Van Schaack, Esq., of Kinderhook. Upon his admission to the bar he commenced practicing in Cherry Valley, but in a year or two returned to Claverack, which was at that time the county seat. In 1806, when Hudson became the county seat, he removed to

that city, where he continued to practice his profession almost without interruption until his death on September 17, 1861.

He was a Democrat and was actively interested in politics, and throughout his life participated as an orator in the political campaigns in Columbia county, and his speeches were remarkable for their eloquence and ability.

In 1817 he formed a partnership with Abraham A. Van Buren, a brother of Martin Van Buren; in 1831 he associated himself with Hon. John W. Edmonds, and subsequently with Hon. Henry Hogeboom. All of these firms did a large business and occupied a high rank. From 1811 to 1813, and from 1815 to 1821, he was Recorder of the City of Hudson, an office of much importance at that time. He was a Presidential elector in 1816 and voted for James Monroe. He was District Attorney of Columbia county, in 1818, and a Member of the Assembly in 1824.

Mr. Monell, having amassed a considerable fortune, about this time gave up practice and retired to a farm. He had endorsed the paper of a friend for a large amount, and these obligations he found himself called upon to pay. With characteristic integrity he turned over his

entire property in payment, and recommenced his professional life. He was elected County Clerk in 1828, in spite of the fact that his party was largely in the minority, and that he ran against Jacob Rutsen Van Rensselaer, one of the strongest and most influential men in Columbia county. He was reëlected in 1831 without opposition. He was appointed Surrogate by Governor Silas Wright in 1845.

He was a man of strict integrity, of untiring industry; his mind was not only logical, but he possessed a great quickness of perception; his opinions on legal questions were sound and reliable, he was fertile in resources, and his accurate knowledge of human character enabled him to exercise great influence in harmonizing differences and promoting good feeling. It was his own choice that he attained no higher official position, places of distinction having been offered him, but he preferred that the field of his labors should be in the more quiet walks of the profession. He was a firm patriot, and the last few months of his life were distressed by the horrors of the Civil War, but his faith in and loyalty to the Union never wavered. He died universally beloved and respected.

His son Claudius L. Monell, after practicing

law in Hudson several years, moved to New York and became a judge of the Superior Court of the city of New York. Robert D. Monell, another son, practiced law in Hudson for many years, and was Surrogate of Columbia county in 1855.



## JAMES VANDERPOEL

JAMES VANDERPOEL was born January 10, 1787, in Kinderhook. He was the son of Isaac Vanderpoel, a farmer of Holland Dutch ancestry, and received his education at the Kingston Academy. He commenced his legal studies in the office of Francis Silvester in Kinderhook, and was admitted to the bar in 1808. He served three terms in the Assembly, and in 1812 was appointed Surrogate of Columbia county, which office he held for two years. In 1826 he was appointed a Judge of the Court of Common Pleas, and in 1830 a Judge of the Supreme Court. He removed to Albany in 1832. In 1838 he resigned from the Supreme Court, having been incapacitated by a stroke of paralysis, of which disease he died in 1843.

Until 1827 he had been a leader among the Federalists in Columbia county. He then became a Democrat and afterwards acted with that party.

His career on the bench reflected credit on his native county. He lived much respected, and his death was widely lamented.

## AARON VANDERPOEL

AARON VANDERPOEL, who was also a son of Isaac Vanderpoel, was born February 5, 1799, on his father's farm in Kinderhook, about three miles north of the village. He was educated at the Academy there, and also attended school at Lenox, Massachusetts. He was fortunate enough to receive his instruction in the classics from the great scholar Peter Van Schaack. He studied law in the office of his brother James, and on being admitted to the bar formed a partnership with him.

He served two terms as Member of Assembly and three terms in Congress, where he was a loyal supporter of Presidents Jackson and Van Buren. He was a man of large frame and strong physique, and possessed a voice of great volume. He was very ready, and a constant participator in debate, and was familiarly known as "the Kinderhook Roarer."

He retained his residence in Kinderhook until 1839. During the recesses of Congress he spent his time in Europe, and in 1841 settled in

New York and resumed practice. He was appointed a Judge of the Superior Court of the City of New York and remained on the bench seven years.

He married a daughter of John McBride, Esq., who brought him a large fortune.

## JOHN C. SPENCER

JOHN C. SPENCER, the eldest son of Chief Justice Ambrose Spencer, was born in Hudson, January 6, 1788. His mother was a Miss Canfield, and he was named after her father. He was educated at the school of Mr. Hedges in Hudson, and at the Kinderhook and Kingston academies, which were at that time taught by Rev. David B. Warden, who was afterwards Consul General at Paris. Mr. Spencer spent a year at Williams College and then went to Union, entering as a junior, and graduated in 1806 at the head of his class. He studied law in Albany in the offices of Daniel Jones and Daniel Rodman, Esquires. In 1807 he was appointed private secretary by Governor Tompkins. The same year James Madison was elected President of the United States, young Spencer was selected by the electoral college to carry its vote to Washington, and then formed a friendship with Mr. Madison which continued until the latter's death in 1836.

He was admitted to the bar in 1809, and mar-

ried Miss Eliza Scott Smith, a daughter of James Scott Smith, and moved to Canandaigua, where he commenced practicing his profession. In 1811 he was appointed a master in chancery for Ontario county. He strongly advocated President Madison's policy in regard to the war of 1812, wrote many pamphlets on political questions, which were so able that they gained for him a national reputation.

In December, 1813, he was appointed Judge Advocate of General McClure's militia brigade and served with it on the Canadian frontier. In January, 1814, he was appointed postmaster of Canandaigua, and held that office for one year, and in 1815 Governor DeWitt Clinton appointed him District Attorney for the five counties in the western part of the State, and he served as such three years. In 1816 he was elected a Member of Congress, and made himself conspicuous by instituting an inquiry into the condition of the United States Bank. This was the first attack upon that institution, and antedated by fifteen years the final attack by President Jackson, when Mr. Spencer was on the other side of the question, being unfriendly to General Jackson. He declined a renomination for Congress, and in 1819 was elected a Member of Assembly and served as Speaker.

He was reëlected the next year, but his party was in the minority. In 1824 he was elected a State Senator, and Governor DeWitt Clinton appointed him a Reviser of the Statutes, in place of Henry Wheaton, who, having been sent as Minister to Germany, had resigned. His associates were John Duer and Benjamin F. Butler.

Governor Martin Van Buren appointed him, in March, 1829, special counsel to prosecute the abductors of William Morgan, a bricklayer, living at Batavia in this State, who had been taken by an armed mob from the jail in Canandaigua to the Niagara River, where all trace of him was lost. It was said that Morgan, while a member of the Masonic order, had threatened to disclose the secrets of Freemasonry, and it was also alleged that he could account for the disappearance of Chancellor Lansing, a man of great distinction, who had occupied various official positions including that of Chief Justice, and whose mysterious disappearance had stirred the entire community. It has never been known what became of either Judge Lansing or Morgan. Mr. Spencer resigned as such special counsel in May, 1830. An Anti-Masonic party was formed in many of the free States, and in 1831 William Wirt was nomi-

nated by it for President, and this party afterwards joined with other opponents of the administration and became the Whig party, which Mr. Spencer joined. He was elected a Member of Assembly in 1830 and 1831, and appointed Secretary of State in February, 1839, and in February, 1840, was made a Regent of the University. President Tyler in October, 1841, appointed him Secretary of War, and in 1843, Secretary of the Treasury, which office he subsequently resigned. The degree of LL.D. was conferred on him by Union College in 1849. He returned to Albany in 1837, where he practiced law until his death, May 20, 1855.

He secured the founding of the Albany Hospital. When De Tocqueville visited this country in 1838, before writing his book on "The American Democracy," he formed an intimate friendship with John C. Spencer, and the latter annotated the first American edition of his book.

Among his legislative acts he was the author and secured the passage of the law of 1820, which abolished absolute sales of real estate on executions at short notice, and gave the owner an opportunity to redeem, or, failing to do so, provided for a sale to the highest bidder. The effect of this law was to increase the value of

farm lands. He was also chiefly instrumental in having the law abolishing imprisonment for debt enacted.

He was said to be a man of indefatigable industry and intense application. His official duties were performed with faithfulness and honesty. His convictions were deeply rooted, and he was positive and stern in asserting them. He was a man of iron will and fearless in the performance of duty. He always appeared to be immersed in deep thought, to such an extent as to pass his most intimate friends on the street without recognition.







AMBROSE L. JORDAN

## AMBROSE L. JORDAN

AMBROSE L. JORDAN was born in the town of Hillsdale, Columbia county, on May 5, 1789. He received a fair education and studied law in the office of General Jacob Rutsen Van Rensselaer. After he was admitted to the bar he removed to Cooperstown, where he practiced his profession for several years. He quickly rose to a distinguished rank as a lawyer, and became the District Attorney and Surrogate of Otsego county. In 1820 he was induced to move to Hudson, where he continued the practice of his profession. It is said he was invited to come to Hudson to meet as a rival the great orator and lawyer, Elisha Williams.

A member of the Columbia county bar who knew him well, in an article written about the time of his death, describes him in these words: "Mr. Jordan was distinguished for his manly beauty, with an erect, commanding form, an expressive face, and an eye which, in moments of excitement, flashed like an eagle's, his appearance never failed to attract attention and to

create a most favorable impression. I have often thought that in the prime of his life he was the perfection of physical and intellectual manhood. His style of oratory was of the best order of forensic eloquence, his voice was as soft and musical as the tones of the flute, his manner dignified and commanding, his elocution most fluent and graceful, and his diction in the highest degree terse, vigorous and elegant. Although cool and deliberate in the trial of causes, he was quick at repartee and keen and unsparing in invective. He was the possessor of rare wit and bitter sarcasm, qualities which were often displayed in his addresses to juries as well as in the cross-examination of witnesses. Unfortunate indeed was he who became the subject of his scathing rebuke. No speaker had greater power of scornful expression than he possessed."

In 1824 Mr. Jordan purchased the *Columbia Republican* and changed its politics, it having before that been a Democratic paper. In 1845 it was purchased by William Bryan, and is now owned by his son. In 1824 Mr. Jordan was elected a Member of the Assembly, and in 1825 Senator, but resigned after serving three years of the term, which at that time was four years. He seemed to prefer the activities of profes-

sional life to those of official. He was a man of great industry and devoted himself to the cases entrusted to him with enthusiastic zeal. In 1838 he removed to the city of New York, where he became engaged in an extensive practice. In 1846 he was elected a member of the Constitutional convention from Columbia county, and in 1847 elected Attorney-General. He was employed as counsel for the anti-renters and was made conspicuous by the part he took in their trials.

During his residence in Hudson his house was the social centre of the place. His family enjoyed entertaining, and contributed much to the brilliancy and pleasure of the life there. In private life he was esteemed by all, and had established a character for just dealing, honesty, and generosity.

On removing to New York, Mr. Jordan formed a partnership with his son-in-law, Edward Clark. Among their clients was Singer, the inventor of the sewing-machine, who was at that time cramped in means and annoyed with litigation which assailed his patents. The sound advice and sagacity of his lawyers helped the inventor to maintain his rights and to supply the people with what has proved one of the most useful machines of modern life. The

stock of the Singer Sewing Machine Company became immensely valuable, and the fortune left by Edward Clark, who succeeded Mr. Jordan after his retirement from practice and purchased an interest in the Singer Company, is now one of the largest in this country.

Mr. Jordan was stricken with paralysis about five years before his death, which occurred in 1865, and was obliged to retire. He is buried in the cemetery at Hudson, and in the adjoining lot repose the bodies of his son-in-law and former partner, Edward Clark, and the latter's son. The care the family bestow upon this resting-place and the taste displayed in embellishing it and neighboring portions of the cemetery is most noticeable.





BENJAMIN F. BUTLER



## BENJAMIN F. BUTLER

OF NEW YORK

**B**ENJAMIN F. BUTLER was a son of Colonel Medad Butler, and was born December 14, 1795, at Kinderhook Landing (now known as Stuyvesant) on the Hudson River. His father was of Irish and Puritan extraction, and came to this State from Connecticut in 1787 and started in business at Kinderhook Landing. Through his efforts a good school was established there, which young Butler attended, and at an early age developed an extraordinary love for books and study. He was thoroughly instructed in the classics, and read them almost every day throughout his life. In 1811 he entered the law office of Van Buren & Miller at Hudson. Martin Van Buren was a friend of Colonel Butler, and the young student became an inmate of his family and remained so until he married. When Mr. Van Buren moved to Albany, Mr. Butler accompanied him, and shortly after he was admitted to the bar they formed a partnership, which

continued until Mr. Van Buren retired from practice in 1828.

The early promise Mr. Butler had given of being a diligent student was fulfilled while he was studying law, and he started his practice with a much finer equipment than many young lawyers possess. In addition to his studious habits and well-stored mind, he was endowed with activity, enthusiasm, and endurance. In those days he took great interest in politics. I have just been looking over some letters written by him in the spring of 1817 to one of his political friends, which show a vim and an entire absorption in the questions of the hour, and the necessary steps to be taken, that is delightful. We usually think of him as the Reviser of the Statutes, and the one who did the greater part of that great work; or as the able Attorney-General in Jackson's and Van Buren's cabinets; but I feel as if I had just had a glimpse of him in all the strength and power of his youth.

In 1818 he married Miss Harriet Allen, whose sister, Mrs. Nathan Chamberlain, for many years lived on Allen Street, in Hudson, after whose family that street was named, and who will be remembered by many of the older people here. The bravery of her brother, Lieu-

tenant William Howard Allen of the Navy, who was killed in an attack upon pirates off the coast of Cuba, and whose body now rests in our cemetery beneath a monument reared in his honor by our citizens, is a part of our history.

Mr. Butler's life in Albany was a busy one; his partnership with Mr. Van Buren plunged him into a practice large and lucrative and involving much responsibility, in addition to which his political associations and activities must have consumed much time. We find that he was appointed District Attorney of Albany county in 1821, and served as such until 1827. He was a Member of Assembly in 1828. The official position which seems to have been most valued by him and his descendants came to him in 1824, when he was appointed a Commissioner to Revise the Statutes. Men from Columbia county appear to have had an especial lien on this office, and among the Revisers we find Peter Van Schaack, in 1773; William P. Van Ness, in 1813; and Benjamin F. Butler and John C. Spencer associated in the same task, in 1824. The greatness of the undertaking cannot be appreciated by people outside of the legal profession; even the lawyers have become so accustomed to the convenient form in which the statutes were arranged by the Revisers that they

do not stop to think of the extent of the work, the industry required, and the wisdom and genius displayed by these great men to whom we are so deeply indebted. In 1889 Mr. William Allen Butler, a son of the subject of this sketch, who had greatly distinguished himself at the bar and as an author, and who was looked up to by all, presented to the Association of the Bar of the City of New York portraits of the three Revisers, Judge John Duer, Benjamin F. Butler, and John C. Spencer, and at the same time delivered an address of remarkable beauty and learning, in which he detailed the scope and effect of the revision, and the manner in which it was accomplished. While due credit is given to each Reviser, it is apparent that the greater part of the work was performed by Mr. Butler; he being located in Albany the burden naturally fell on him, and he seems to have been hampered by fewer impediments in the way of other occupations, and, above and beyond all, to have possessed the ability to originate and carry out plans for the work that were accepted and approved by his associates. The revision was not completed until in December, 1828. His son might well be proud of such achievements, and it is a pleasure to think that, by his father's direction, the inscription on his monument in

Woodlawn cemetery, after mentioning his positions in the cabinets of Andrew Jackson and Martin Van Buren, reads: "A Commissioner to Revise the Statute Laws of the State of New York."

On the retirement of Martin Van Buren from active practice, Mr. Butler found himself engaged in a business of enormous proportions, and he was employed in many of the cases of most importance which were in the courts at that time. He was appointed a Regent of the University in 1829, and resigned in 1833. The same year he was appointed one of the Commissioners to settle the boundary between New York and New Jersey. When he removed from Albany to New York, the latter part of 1833, he received a letter signed by eighty-nine of the leading citizens of Albany, expressing their homage and regret at his departure.

In 1833, on William L. Marcy's retirement from the United States Senate, to become Governor of this State, Mr. Van Buren, who was then Vice-President, and other leaders in the Democratic party tried to persuade Mr. Butler to accept the office of Senator, but he refused to do so, declining any office that was not in the line of his profession. An offer of a seat on the Supreme Court bench from Governor Marcy

was also declined, on the ground that, in justice to his family and himself, Mr. Butler could not give up his very lucrative practice for the small salary of a judge, however congenial the duties might be.

Mr. Butler's long intimacy with Martin Van Buren had brought him into close relations with the leaders of the Democratic party, William L. Marcy, Edwin Croswell, Azariah C. Flagg, Silas Wright, John A. Dix, and others, who were known as the "Albany Regency." They desired to see him in the cabinet of Jackson, but it was only after repeated offers and a long letter from Mr. Van Buren that he was persuaded to accept the office of Attorney-General of the United States. He served with great ability and brilliancy from 1833 to 1838, when he resigned. In 1836 General Cass, having retired from the office of Secretary of War and been sent as Minister to France, Mr. Butler, at the request of President Jackson, performed, in addition to his other duties, those of Secretary of War until Mr. Van Buren was inaugurated, when the latter bestowed the office upon Joel R. Poinsett. Mr. Butler was appointed United States District Attorney for the Southern District of New York in December, 1838, and held the office until March 4, 1841, when

he was removed to be replaced by one of President Harrison's followers. President Polk appointed him to the same office, and he served until September, 1848, having refused the position of Secretary of War in his cabinet. He resumed his practice in New York city, and became the head of and chief lecturer at the law school there which he was instrumental in establishing.

He had lived all the years since he had commenced his law studies a firm and devoted friend of Martin Van Buren, and had entered the lists and fought for him throughout the most stormy periods of his career, but on the passage of the Kansas-Nebraska bill, which repealed the Missouri Compromise, brought about by Henry Clay in 1820, which shut out slavery from territories in the Louisiana Purchase north of 36 degrees 30 minutes, Mr. Butler felt he could no longer tolerate the aggressions of the Slave Power, and in 1856 he voted for Fremont. He was a man of such honest motives and lofty ideals that his former political allies felt he had acted according to the dictates of his conscience.

This withdrawal from politics, and the quiet life he led in his later years, which were devoted to the exacting duties of his profession, com-

bined with the appearance in public life, during the exciting days of the Civil War, of an individual from Massachusetts of the same name, but of entirely different and inferior qualities and capacity, who made himself conspicuous in the war in various positions, and notorious at New Orleans, have done much to detract from the fame of this great son of Columbia. Few of our public men have been gifted with such abilities, been so elevated in aims, and so pure, and of so high a tone in every respect. Those who remained in the Democratic party bewailed his departure, feeling the fire-eaters of the South and their Northern tools had driven out of the party one of its best and brightest members. It was the old story, so often recorded in history, of a political party having been duped into following false gods by false leaders, and some of its most useful and valuable members being driven elsewhere.

Both Mr. Butler and his wife had very positive views upon the temperance question, which were quite widely known. I have been told that, during a visit by him to Mr. Van Buren at Lindenwald, they drove over to Claverack to call upon the aged widow of an old friend and client and political ally. On the sideboard stood decanters of wine and spirits, and custom



demanding that their contents should be offered to the visitors, and also that the offer should be accepted. The hostess, knowing Mr. Butler's prejudices, hesitated for a moment, and then made the customary proffer of a glass of wine. Mr. Van Buren took the wine, but Mr. Butler, true to his principles, declined. No one can doubt the honesty of his convictions or his willingness to set himself up against the customs of the day or the dictates of his party, if his conscience approved. He certainly was one of the most gifted and high-principled men the nation has produced; his memory should be cherished and his fame preserved.

He died in Paris, November 8, 1858.

## JOHN W. EDMONDS

THE first settler in the vicinity of Hudson was Jan Francis Van Hoesen, who in 1662 purchased lands from the Mohicans. On May 14, 1667, a patent was issued by Governor Nicolls to him of these lands, which included the ground on which Hudson stands and part of what is now the town of Greenport. It commenced about a mile north of the north line of Hudson and ran south along the river to the mouth of Kishna's Kill, which empties into the South Bay, a short distance north of Mount Merinò, and extended east to the Claverack creek. This property was subsequently claimed by the Van Rensselaers, and after a long litigation with Van Hoesen, the courts decided that it belonged to the latter.

Early in 1783 Thomas Jenkins, with three other men from New England, anchored in front of what is now the ferry slip in Hudson. After coming ashore and looking over the land they entered into negotiations with the heirs



JOHN W. EDMONDS



of Jan Francis Van Hoesen, who were then represented by the Van Hoesens, Hardicks, and Van Allens, for the purchase of a site for the city of Hudson, which ended in a transfer to them. Settlements were made in the following autumn and spring, the newcomers being cordially welcomed by the original proprietors, Colonel John Van Allen, who was the most prominent person among them, going on board their ships and offering them the hospitality of his home. Colonel Van Allen had a store on the south side of the ferry slip, and had in his employ a young man, Samuel Edmonds, who was born in the city of New York in 1760, and was at college in Rhode Island when the Revolutionary War commenced. He enlisted as a private and served throughout its continuance, having been present at the battles of Yorktown and Monmouth, and at its close was discharged, having risen to the rank of a commissioned officer. All he possessed was a horse, with saddle and bridle, two blankets and a small amount of Continental money. Thus equipped he started out to seek his fortune, and finally settled at Claverack Landing, as Hudson was then called, and became the clerk of Colonel Van Allen. Upon the death of the latter, young Edmonds started in business for himself. He

married Lydia, a daughter of Thomas Worth, who was one of the founders of Hudson, and an uncle of the renowned Major-General Worth, a monument in whose honor was erected by the city of New York, and now stands in Madison Square in that city. Samuel Edmonds was sheriff of the county of Columbia in 1801, a Member of Assembly in 1803, a Judge of the Court of Common Pleas in 1810, and Paymaster General of Militia in the War of 1812, besides holding many important offices in the city government.

His son, John W. Edmonds, was born in Hudson, March 13, 1799, and was prepared for college at the Hudson Academy. He entered Williams College, but went to Union later, and graduated in 1816. He commenced studying law in Cooperstown, but returned to Hudson and became a student in the office of Van Buren & Miller, and was admitted to the bar in 1820, having spent one year in the office of Martin Van Buren in Albany. In 1820 he commenced practice in Hudson. When nineteen years of age he received his commission as lieutenant of militia, and at the end of fifteen years he had risen to the rank of colonel, when he resigned. He was very successful as a lawyer and active

in politics; in those days the lawyers were the political leaders. In 1824 the *Hudson Gazette* was purchased by Oliver Wiswall, Solomon Wescott, Jehoiakim A. Van Valkenburgh, Rufus Reed, Moses Younglove, and Jeremiah Storm, who were leading Democrats. The purchase price was five hundred dollars, and John W. Edmonds was engaged as editor, at a salary of three dollars a week.

In 1827 he was appointed city recorder, and in 1831 elected a Member of Assembly. He was elected to the Senate in 1832 by a majority of over seven thousand five hundred votes, but after serving three years of the term, which was then four years, he resigned. In 1835 he was one of the commissioners to build the courthouse. The building erected and the grounds surrounding it showed a high order of taste on the part of the commissioners. In 1836 he was appointed by President Jackson a commissioner to enforce the terms of the treaty between the United States and the Ottawa and Chipewa tribes of Indians, and he spent that summer at Michilemackinac in camp with over six hundred Indians. In 1837 he moved to New York, where he soon found himself engaged in an extensive and lucrative practice. In 1843

he was appointed State Prison Inspector. He was a man full of sympathy for the unfortunate and erring, and he procured many reforms in the treatment of prisoners. When he entered upon the performance of the duties of the office he found the prisons in a state of great disorder. There was hardly any discipline, and a large yearly deficit, and the only punishment meted out to refractory prisoners was with the whip. He held the office for eighteen months, when he resigned. Meanwhile discipline had been introduced and was maintained, the prisons had been placed upon a paying basis and punishment with the whip abolished.

In 1845 he was appointed a Judge of the First Circuit to fill the place of Judge Kent, who had resigned. In September of that year he presided at the trial of the anti-renter, Smith A. Boughton, who was known as Big Thunder, which resulted in the conviction of the defendant. This case attracted much attention, and during the trial Judge Edmonds committed to jail for contempt of court John Van Buren, the Attorney-General of the State, who assisted Theodore Miller, the District Attorney, and Ambrose L. Jordan, the counsel for the defendant. A most interesting account of that trial is given in 1 Edmonds' Select Cases 140, one of



a series of reports prepared by Judge Edmonds of cases tried before him at the circuit.

In 1847 Judge Edmonds was elected a Justice of the Supreme Court, and on the reorganization of the judiciary under the new constitution, he was nominated by Tammany Hall and elected by a very large majority. He resigned from this office in 1853. Immediately afterwards he announced his conversion to Spiritualism, and published a book defending his new faith. He was active in preaching its doctrines, and seemed to be a firm believer in them.

He had an affection for relatives who had died that seemed almost abnormal. His wife died in 1850 and was buried in the Hudson cemetery. A monument in memory of her was erected by the bar of New York, through a committee composed of William Kent, John Van Buren, William Curtis Noyes, and Edward Sanford. Mrs. Edmonds' name and the date of her birth and death, and an enumeration of her virtues are inscribed on one side of it, and at the base these lines in French:

“Pleurez, pleurez, mes yeux  
Et fondez vous en eau,  
La moitié de ma vie  
A mis l'autre au tombeau.”

It is said that Judge Edmonds was often seen standing beside his wife's grave conversing with her.

He died in New York city, April 5, 1874. Almost with his last breath he asked to have his funeral held at St. George's church in that city, Dr. Stephen H. Tyng, the rector, having been for a long time his intimate friend. He left the following written directions as to how his funeral should be conducted. "I wish to be buried in Hudson in the same grave with my wife; not by her side, but in the same grave, that our ashes may mingle and be one on earth as our souls will be one in the spirit world. In the monument to her memory erected by the bar of New York are two vacant spaces left purposely for me—on one of them I want this inscription:

JOHN WORTH EDMONDS

Born in Hudson 13th March, 1799.

Died in ..... 187 .

On the other I want simply these words:

Death joins the ties  
Which death destroys."

He then named his bearers, who were some of the most distinguished lawyers of that time.

In 1862 Judge Edmonds drew and circulated a petition for the emancipation of the slaves in the south as a war measure.

After the loss of Judge Rufus Peckham in 1873 on the *Ville du Havre*, Judge Edmonds published a letter he claimed he had received from the spirit of Judge Peckham.

## HENRY HOGEBOOM

THE ancestors of Henry Hogeboom, who were of Holland Dutch origin, came to this country and settled in the town of Claverack, Columbia county. About 1750 the head of the family, with most of his children, removed to the town of Ghent, where he had purchased a large tract of land, and built a fine stone house which is still standing. The family was a numerous one and influential. Cornelius Hogeboom, the grandfather of the subject of this sketch, was sheriff of the county in 1791, and was shot while engaged in the performance of his official duties by anti-renters. His wife was so overwhelmed by the occurrence that she died of grief shortly afterwards. Their son, John C., who was twenty-three years of age at the time, was deputy sheriff and was appointed to succeed his father. He was a Member of Assembly for three years, a State senator, a member of the Council of Appointment, and in 1812 a Presidential Elector. He was also the first president of the Bank of Hudson, and the

building erected for its use was afterwards occupied for many years by his son Henry as a residence.

Henry Hogeboom was born in Ghent at the family place, Squampamock, on February 25, 1809. He was educated at the Hudson Academy, and graduated from Yale College in 1827. He commenced his legal studies in the office of Powers & Day in Catskill, and completed them in the office of Campbell Bushnell, in Hudson. He was admitted to the bar in 1830, and the following year was appointed a master in chancery, and one of the judges of the Court of Common Pleas, and was chosen by his associates presiding judge, which office he filled for three years.

He formed a partnership with Abraham A. Van Buren, who had been surrogate of Columbia county, and was a brother of Martin Van Buren. This firm was dissolved by the death of Mr. Van Buren in 1845. He was subsequently in partnership at different times with Theodore Miller, Joseph D. Monell, Casper P. Collier, William A. Porter, William Boies, and Peter Bonesteel. In 1839 he was elected a Member of Assembly, and served with distinction. He had always been a Democrat, and in 1847 was nominated by that party for the office

of Justice of the Supreme Court, and was defeated by William B. Wright. In 1849 he was again nominated by the Democrats for the same office, and was defeated by Mr. Wright by one hundred majority. *Quo warranto* proceedings were instituted and, upon investigation, frauds were shown to have been perpetrated in Rensselaer county by the Republicans, but Mr. Hogeboom's claim was disallowed, on the ground that the votes of certain other districts, which would have more than elected him, were invalid on account of an improper division of the districts.

In 1857 the regular delegates from the judicial convention of Columbia county were opposed to the nomination of Henry Hogeboom for Justice of the Supreme Court. Contesting delegates who favored his nomination were sent to the convention for the judicial district held at Albany. The regular delegates were admitted, and the convention nominated Rufus W. Peckham for a full term, and D. K. Olney for an unexpired term. A few days later Henry Hogeboom was nominated for the full term, and W. B. Wright for the unexpired term by the judicial convention of the American party, which had formerly been the Know Nothing party. These nominations were subsequently adopted by the Republican judicial

convention. Mr. Hogeboom was elected by a majority of twelve thousand votes, Columbia county giving him a majority of two thousand nine hundred. He had established a fine reputation as a lawyer, and his career upon the bench was a distinguished one. He was regarded as a jurist of unusual ability. He was reelected in 1865, and remained upon the bench until his death, which occurred September 12, 1872.

He was a man of distinguished appearance and manner. His speech was deliberate and in tones that would be sure to impress those who heard him. He spoke and wrote like a cultivated student whose models had been the best and purest writers.

In the case of *The People v. Henrietta Robinson*, "the Veiled Murderess" (1 Parker's Cr. Rep. 649), in 1855, he assisted the district attorney, and his services during the trial, and his speech in summing-up, which was one of great power and eloquence, were considered to have largely contributed to the conviction of the accused.

He married Miss Rivington, a granddaughter of the well-known James Rivington, who founded the *New York Gazetteer* in 1773, and was known as "The King's Printer."

A son, John C. Hogeboom, is now living in Hudson.

## JOHN VAN BUREN

JOHN VAN BUREN was born at Hudson, February 18, 1810, in the brick house on Academy Hill adjoining the Hospital and opposite the McKinstry place. His father moved with his family to Albany in 1816, where Mrs. Van Buren died in 1819, leaving four sons. Their education was carefully looked after by their father, and they grew up in a home that was filled with law and politics and frequented by some of the most influential and distinguished men of the time. After John graduated from Yale College in 1828, he commenced his legal studies in the office of Benjamin F. Butler, who had been his father's partner, and was at that time engaged in the revision of the statutes. Young Van Buren was given some of the clerical work connected with the revision, and, thus at the very outset of his studies, had an opportunity to lay a sound and sure foundation for his legal attainments, and to acquire most valuable habits of industry and earnest application. He completed his studies in the office of Aaron Van-





JOHN VAN BUREN



derpoel, at Kinderhook, and was admitted to the bar in 1831.

Martin Van Buren was about this time appointed Minister to the Court of St. James, and took his son John with him as secretary of the legation. They arrived in England in September and remained there about six months. Mr. Van Buren's nomination having been rejected by the Senate, they returned home. John immediately entered upon the practice of his profession, opening an office in Albany, having for a partner James McKown. He possessed a remarkable memory, was ready in debate, and a diligent student. His success at the bar was great, but his fame as a lawyer has been dimmed by his wit and his wonderful ability as a politician. He had lived among politicians all his life, and his interest in politics developed early, and increased with his years. I remember reading some letters written by him, while a student at Yale, to his father, which were full of politics and of advice to "the old man," as he affectionately called him, given with that temerity which characterizes youth.

In 1845 he was nominated by the Barnburners (Democrats) for the office of Attorney-General, and was elected by the Legislature. He especially distinguished himself in his offi-

cial career. The manner in which he conducted the case of *The People vs. William Freeman*, a negro, who had been indicted for the murder of an entire family in Cayuga county, in which a precedent as to medical jurisprudence was established and in which he discomfited his antagonist, William H. Seward, who insisted on the prisoner's insanity, was masterly.

Mr. Van Buren had prior to becoming Attorney General acted as counsel for some of the landlords against the anti-renters. Smith A. Boughton, who was known as Big Thunder, and was the leader of the anti-renters, was tried at Hudson before Judge Amasa J. Parker in March, 1845. Mr. Van Buren, who was Attorney General, assisted Theodore Miller, who was the District Attorney of Columbia county, in the trial. The prisoner was represented by Ambrose L. Jordan, who succeeded Mr. Van Buren as Attorney-General, who was assisted by James Storm, the father of our present County Clerk. In the words of a manuscript of Judge Miller's recently printed in the *Register and Gazette*: "The empanelling of the jury and the trial lasted two weeks, and resulted in a disagreement, after the jury had been out for a long time. It was stated that they stood ten for acquittal and two for conviction. A

sufficient time evidently had not elapsed to bring out the truth and to identify the prisoner as the person who had led the band of armed and disguised men. Although the sheriff testified with great positiveness that the prisoner was the man who had committed the offense, and was corroborated by other witnesses, numerous witnesses were called on behalf of the defense who swore to facts tending to prove an alibi. It was evident from the subsequent history of the affair and conviction of Boughton that these witnesses were influenced very much by their prejudices and sympathy for the accused. There was also a strong sympathy aroused throughout the region of the country affected, in favor of the prisoner, and it is not unreasonable to suppose that this may imperceptibly have had its effect on the minds of some of the jurors who came from that section of the county, and were neighbors of some of the tenants."

In the following September Big Thunder was again tried before Judge John W. Edmonds. There had been much bickering between counsel on the former trial, there being many things about the case to excite and exasperate the counsel engaged. The second trial commenced on a Wednesday morning; the acer-

bity of feeling between the counsel being renewed, the trial judge tried to restrain it, endeavoring to keep them within the pale of respectful deference to the place they occupied. On Friday Mr. Jordan, while discussing the admissibility of some evidence offered by the Attorney-General, said: "The Attorney-General does not care for the condition of these men. He has not contended for right or justice, but to make an exhibition of himself, to pander to the miserable ambition which was the curse of his father. Though he had brains to temper his wild ambition in some degree, the son has none to temper his, and it breaks out everywhere in puerility and slush." Mr. Van Buren, after answering the legal objections with great calmness, said contemptuously: "The counsel opposed has informed your honor the cause of my presence here. I shall not stoop to deny his coarse assertions, but allow me to add that it is quite out of place for a man who stands here in this court with the contributions of murder and arson in his pockets to criticize me for any cause whatever." Mr. Jordan turned upon Mr. Van Buren and said: "You lie." The latter coolly pushed him aside with his elbow, whereupon Jordan hit him a blow upon the back of the head, which Mr. Van Buren returned,

and they grappled each other in a furious struggle. Sheriff Waldo and his assistants rushed in and separated them. As soon as order was restored Judge Edmonds addressed them, referring to their high standing as counsel, their desecration of the Temple of Justice, and in conclusion said: "Should I neglect to promptly punish you for the great wrong you have done, I should myself be unworthy to occupy the bench. The court regrets that it did not punish your first infraction of the rules of decency; but as that is passed, it will now, by a proper interposition of the strong arm of the law, inflict such a punishment upon you as will preserve its dignity, and, we trust, prevent a recurrence of the disgraceful scene we have just witnessed. The court, therefore, sentences both of you to solitary confinement in the county jail for twenty-four hours." Mr. Van Buren arose and with great dignity apologized, and in eloquent and really touching words asked that the sentence might be modified by the imposition of a fine. This the court refused. An apology was made by Mr. Jordan to the court, and the District Attorney also requested the court to overlook the occurrence and impose a fine, all of which was refused, and the court adjourned until the next day. These two eminent lawyers

were then removed by the officials. It is said that neither was confined in a cell, but that Van Buren was taken to the Sheriff's office and Jordan to his parlor. Mr. Van Buren, on the day after the affair, sent his resignation of the office of Attorney-General to the Governor, and Judge Edmonds, on learning of this fact, immediately wrote to the Governor that the Attorney-General had done nothing derogatory to his character as a gentleman, and was justified as a man of honor in resenting the gross insults he had received. The resignation was not accepted. At the expiration of their imprisonment the counsel returned to the court room, entering it as if nothing had happened, and proceeded with the trial. This continued for four weeks and three days, the court sitting from 9 A.M. until 10 P.M., with recess of an hour each day for dinner and tea, and resulted in the conviction of Big Thunder and his sentence to prison for life. The friendship that existed between Judge Edmonds and the Van Burens from the time he began his legal studies in the office of Van Buren & Miller, was undisturbed by this incident. It is stated that Mr. Jordan never forgave him.

The constitution of 1846, which made the office of Attorney-General an elective one, legis-



lated Mr. Van Buren out of office. In 1847 he moved to New York and formed a partnership with Hamilton W. Robinson. He was employed in many cases as counsel. The suit for divorce by Edwin Forrest, the actor, brought him very prominently before the public. It was largely exploited in the newspapers, and public sympathy was aroused against Forrest, on account of the prominence of one of the co-respondents, and for the reason that he was suspected of having incited the riot in Astor Place for the purpose of injuring his rival, the actor Macready. Forrest's behavior at the trial, which was very protracted, was offensively theatrical. Mr. Van Buren found himself pitted against Charles O'Connor, the leader of the New York bar, and, although his client was beaten, he conducted the case with such brilliant ability that for him it was really a triumph. As soon as the decision was announced Mr. Van Buren arose and, in an address to the jury, informed them that all that remained to be done was to fix the allowance to be granted to the divorced wife, and with a merry twinkle of the eye, stated that under the English authorities they would be justified in fixing the allowance at any sum between a farthing and sixpence.

He disliked detail and, though often impor-

tuned to run for office, refused. As has been well said of him: "He had lived too near the seats of power to look to them with much reverence, or to seek them by toilsome and tedious steps. . . . Neither in his profession nor in his politics did he seek much more than the triumph of the hour, and having in his hand the opportunities of place and distinction, in the prodigality of his nature, he tossed them aside. . . . He had learned in the school in which his political education was formed to respect integrity and not to tolerate falsehood or to hold terms with treason."

His education, his talents, and his taste fitted him for public life, and his party was glad to avail itself of the services of an intrepid leader and a brilliant orator. The Democrats were divided upon the question of slavery, Calhoun had pursued Martin Van Buren with relentless persecution, and the ceaseless efforts of the South to extend slavery into the new States and Territories had brought about the Free Soil movement. Into the campaign of 1848 John Van Buren threw himself with enthusiasm. His numerous speeches were characterized by eloquence, vigor, spirit, and an ancestral pride and filial devotion that called forth the admiration of all. They were listened to with

almost breathless interest. He was quick to catch the temper of the meetings he addressed and to captivate the attention of his hearers and keep up a growing interest. His wit seemed to come from an inexhaustible source; it was abundant, sparkling, inimitable, and never low. His satire was keen and caustic and sparingly used; his intonation perfect, and his manner simple and easy. In a speech delivered in Hudson during the campaign of 1848, in which his father was the Free Soil candidate for President, he told his hearers that people had remonstrated with him for his activity, and seemed to think that he was exerting himself more than seemed wise, but that as he was driving down from Kinderhook that afternoon, near Stockport, an incident took place which he would relate in justification of his extraordinary activity. He came upon a boy of about twelve years who was frantically endeavoring to right an overturned load of hay. His efforts were so strenuous, and he seemed to be exerting himself so far beyond his strength, that Mr. Van Buren remonstrated, and asked him why he did not take things a little easier, whereupon the lad replied: "Why, mister, dad 's under there."

Mr. Van Buren was a man of unusually attractive and distinguished appearance. He was

tall, had a slight stoop, his head was rather small for his height, but was most perfectly shaped, his features were clear-cut and finely modeled, and his complexion was fair with much color, his eyes were blue, the lids slightly drooped, his voice was especially agreeable, and his manner most engaging. He was kind and amiable to all, and steadfast and loyal in his friendships. His love for children was unusually strong. These attractions combined with his wit and cheerful temperament made him a great favorite with all. He was called "Prince John," from the fact of his having danced with the Princess Victoria while in England in 1838. It was a fitting name, for no man was ever more what a prince should be than John Van Buren, and we Americans were proud of his patrician characteristics, for he was heart and soul a simple, honest American.

In 1838 Mr. Van Buren went to England and Ireland on professional business, and was received with the most marked attentions. The English and Irish papers were filled with items about him, detailing his doings and speaking of him in the most complimentary terms. In Ireland the freedom of cities was tendered to him, and the enthusiasm of his reception was boundless. After an absence of about six months he

returned to this country quite unspoiled by the attentions lavished upon him, and leaving hosts of friends on the other side.

In 1841 he married Elizabeth, daughter of Judge James Vanderpoel of Albany, formerly of Kinderhook. Mrs. Van Buren died November 19, 1844, leaving a daughter, who is Mrs. Edward Duer and resides in New York. He did not marry again. After the death of his father, in 1862, he purchased from the other heirs their interest in Lindenwald, intending to reside there. His numerous professional engagements, which required frequent absences from home, and the rather secluded life imposed upon his daughter, induced him to part with it, and relinquish associations that he seems to have cherished.

In the spring of 1866 Mr. Van Buren, not having been in good health, and in the hope of being benefited, sailed for Europe, accompanied by his daughter and a niece, a daughter of Mr. Smith T. Van Buren, who afterwards married Dr. Stuyvesant F. Morris of the city of New York. They traveled extensively in England, Sweden, Norway, and Russia, and were entertained in a most lavish manner by the people of distinction in the countries they visited. Mr. Van Buren's health had greatly

improved, but just before sailing for home he caught a cold, which proved to be very severe, and, on the steamer *Scotia*, developed into a serious affection of the kidneys, which grew worse as the voyage progressed, and finally, when within two days of land, ended in his death. The evening before he died, the disease having caused his mind to wander, propped up in his berth, between his daughter and his niece, he spoke for two hours and a quarter upon national and political affairs with an eloquence, it was said, even he had never before attained to.

Almost immediately after he passed away a terrific storm arose, and the sailors, moved by their superstition, insisted that his body should be cast into the sea. This the captain refused to do, and a double watch was set to guard the boat in which the remains had been placed. On arriving at New York the funeral took place at Grace church, and there was another service at St. Peter's church in Albany. His grave is in the Albany Rural Cemetery.

He was president of the St. Nicholas Society of New York, and of the Manhattan Club, and there is in the house occupied by the club a portrait of him, which is valued as a striking likeness of one of the ablest, best, and most attractive men this country has produced.





THEODORE MILLER



## THEODORE MILLER

THEODORE MILLER was born in Hudson, New York, on May 16, 1816. His ancestors had fled from France in the latter part of the sixteenth century, to escape religious persecution, and settled at Nykirk, in the province of Gelderland, Holland, and were then called De Muldor. They came to this country prior to 1650 with the Van Rensselaers, and lived at Albany, where they seem to have been people of considerable wealth and position, the sponsors at the baptisms of their children, as shown by the old church records, being members of the Van Rensselaer, Ten Broeck, Van Brugge, Van Esch, and Schuyler families. In 1718 Cornelis Stephanis Muldor, who was the son of Stephanis, and the great-great-great-grandfather of Theodore Miller, purchased of Hendrick Van Rensselaer a tract of land about a mile square in the town of Claverack, and subsequently removed there with his eleven children. The name of the family has passed through various changes, from Muldor, Mulder, Mullor, Muller, to Miller.

The grandfather of Theodore Miller, Stephen Miller, was a merchant, and accumulated a large fortune. He was very liberal in the education of his family, and lived in the house in Claverack, opposite what was known as the Van Rensselaer outpost, which he built about 1780. At one side of it is a building which was his store. The property is now owned, and the house occupied by his great-grandson, Jacob Southard Van Wyck, as a summer residence. Stephen Miller was a man of wide influence and deeply interested in politics, being always a loyal member of the party that is now known as the Democratic. In 1804 he was a Presidential elector, and cast his vote for Thomas Jefferson.

Cornelius Miller, the father of Theodore, graduated at Columbia College in 1806. He studied law, completing his studies under Peter Van Schaack at Kinderhook. He was a man of intellect, literary tastes, great tact, engaging manners, and possessed fine oratorical powers. Shortly after his admission to the bar he married, Beulah, a daughter of John Hathaway, Esq., who was of English Puritan extraction and had settled in Hudson about 1790. He was a shipping merchant, and having amassed a fortune, retired from business. In 1809 Martin

Van Buren moved from Kinderhook to Hudson and formed a partnership with Cornelius Miller, which continued until the death of the latter in 1822, although Mr. Van Buren had moved to Albany in 1816. Mr. Miller took an active part in politics, and was conspicuous for his ability as a lawyer, and what promised to be a brilliant career was cut off by his death in 1822, when his son Theodore was only six years old.

The latter was a boy of studious habits, and had, at a very early age, chosen the law as his profession, and, with foresight that was unusual, he read books and pursued studies that developed his mind in that direction. The earnestness and enthusiasm with which he stored his mind are shown by the many books of notes made by him on the volumes he perused, and the long journals kept by him, in which, from time to time, he carefully considered the progress he was making.

Although fond of study and intellectual pursuits, he had a boy's enthusiasm for sports, and delighted in the firm friendships he formed. One of these, which continued through many years, was with a schoolmate, Henry Wager, who, in the course of time, after being at boarding-school and at college, entered West Point under his real name, Henry Wager Hallock,

and finally became the Commander-in-Chief of the Armies of the United States. The letters received by young Miller from his friend are most interesting, and tell the story of the beginning of a distinguished and brilliant career. They are full of politics, and breathe an intense spirit, which, from the standpoint of the present in regard to political questions, seems almost absurd.

Theodore Miller was educated at the Hudson Academy, and at the age of sixteen was prepared to enter college. He walked out to Claverack, four miles, to consult his grandfather, who was his guardian and held the purse-strings, about entering college; but his pleadings were in vain. The old gentleman had with advancing years developed an inclination to be stingy, a trait not infrequent among elderly descendants of the Holland Dutchmen, even with those who had in early life been most liberal. The boy spent a sad and sleepless night, but on his return home the next morning, with characteristic courage and energy, began to make arrangements which resulted in his almost immediately entering as a student the office of Campbell Bushnell, at that time one of the leading lawyers of Hudson. He devoted himself to his studies with enthusiasm and in-

dustry, and when admitted to the bar he found himself well grounded in the principles of the law and well equipped for its practice.

His professional life was characterized by great activity from the outset. He had established such an excellent reputation, and so fully possessed the confidence of his family and friends, that, unlike most young lawyers, he was not obliged to live on the hopes of future retainers. John Hathaway, his maternal grandfather, had died, leaving a large amount of real estate, both improved and unimproved, in the city of Hudson, and in taking charge of this property Theodore Miller laid a foundation for a familiarity with and comprehension of municipal law which, afterwards, when as a Judge of the Court of Appeals he was called upon to pass on many cases in which such questions were involved, caused some of the most distinguished lawyers in the State to pronounce him to be one of the ablest and soundest authorities upon that subject.

He considered society as secondary to other things, and could never appreciate the ambition some people manifested for a high position in the world of fashion. No one enjoyed more than he the companionship of those who were dear to him, and of his friends, and there were

few men who were more staunch in friendship, or whose friendships were more lasting.

From an early age he had taken great interest in politics, and while a boy had participated in various political campaigns. As soon as he was admitted to the bar his political activities increased, and he quickly became an acknowledged leader of his party in his county, and was widely known as an able, eloquent and convincing speaker. He was a Democrat of the Thomas Jefferson and Andrew Jackson school, and a loyal follower of Martin Van Buren, with whose friendship he was honored from his earliest years. His faith in the principles of his party was steadfast, his opposition to the extension of slavery continuous, and during the dark days of the Civil War, when the Northern Democrats, without whose patriotism the Union could not have been preserved, were subjected to numberless petty persecutions from the party in power, his loyalty to his country was unwavering. His was the first voice at a public meeting in Columbia, his native county, which, when the Civil War broke out, sounded forth the true spirit of faith in and loyalty to the government, and which called upon his neighbors to stand by and defend the Union.

As a politician he accomplished much in reconciling differences among the members of

his party, and was always ready to meet his political opponents with boldness and enthusiasm. Defeat might dampen his ardor, but he was never discouraged. His participation in politics continued until his elevation to the bench in 1861, but to the end of his days questions of a political character awakened the same keen interest, and the extension and prevalence of the principles in which he believed gave him most unqualified satisfaction.

The period during which he participated in politics differed much from the present both in men and measures. The politicians were in most cases persons of education, achievements and responsibilities; the issues were of a character that aroused unbounded interest and enthusiasm, and the industries of the country, corporate and individual, had not grown to sufficient magnitude to influence the politicians or control the elections. Wise words were welcomed, and sound advice followed. The voters seemed more influenced by their reason and their humanity than carried away, as they frequently now are, by some showy individual or glittering prospect of what appears to be personal or national aggrandizement. People thought less of filling their pockets and more of maintaining their principles.

In 1843 Mr. Miller was appointed, by the

Court of Common Pleas, District Attorney for Columbia county. In a few months after he had entered upon the duties of that office he found himself placed in a position which called into action his best abilities as a lawyer, and tested to a great degree his courage, energy, and fidelity as a man. The Anti-rent War broke out, and the whole county was thrown into a state of disorder. Threats were made to burn the city of Hudson, to release persons who had been arrested and thrown into prison, and to break into and steal the papers of the Livingstons, who were the landlords affected by the rebellion, from the law office in which they had been deposited. The District Attorney was quite ready for the emergency, and as soon as information was brought to him of a riotous meeting which had ended in murder, he sent for the sheriff, and drove at once to the scene of the tragedy, where they, in the face of a large number of people, who threatened them with injury and death, arrested the two ring-leaders, Big Thunder and Little Thunder, as they were called, and brought them to the jail in Hudson. On their trial, at which Mr. Miller, the District Attorney, was assisted by John Van Buren, the Attorney-General, he developed and exhibited abilities which, upon



his retiring from office, brought him a large clientage, among whom were many of those who had taken an active part in the rebellion which he had with so much energy assisted in stamping out.

After his term as District Attorney expired, he was engaged for many years in a practice which required most constant attention and untiring industry. He loved his profession, and devoted himself to it enthusiastically. He was frequently asked to accept public office, but steadfastly adhered to a resolution he had formed to accept no office except one in the line of his profession. His constant appearance before the courts and his active participation in politics, and the practice, which seemed to have existed in his family for several generations, of not limiting his associations exclusively to the community in which he resided, had made him widely known. In 1860 he was sent as a delegate to the National Convention at Charleston, the Northern members of which adjourned to Baltimore and nominated Stephen A. Douglas for President.

In 1861 Mr. Miller was nominated by the Democrats of the Third Judicial District for the office of Justice of the Supreme Court. His fitness for this office was recognized by the peo-

ple who ratified his nomination at the polls, although his opponent was a man of distinguished ability and character. Columbia county had, the year before, given the Republican ticket a majority of over one thousand, but gave Theodore Miller a majority of twenty-five hundred, and in the city of Hudson, where he resided, and where about twelve hundred votes were polled, he received a majority of over eight hundred. This, it must be remembered, was at a time when the bitterest partisan prejudice prevailed, and party lines were drawn with the utmost strictness. He distinguished himself as a judge, and in 1869, when his term expired, he was again nominated and elected without opposition.

In 1870, upon the reorganization of the courts under the amendment to the constitution, he was appointed Presiding Justice of the General Term of the Third Judicial Department, which embraced twenty-eight counties. This promotion was followed by his election in 1874 as an Associate Judge of the Court of Appeals, to fill the first vacancy which had occurred in that court since its reorganization in 1870, which was occasioned by the death of the able and lamented Rufus W. Peckham, Senior. In this new field of duty Judge Miller found him-

self associated with Sanford E. Church, who was Chief Judge, Martin Grover, William F. Allen, Charles J. Folger, Charles A. Rapallo, and Charles Andrews. Here tasks confronted him which required incessant industry and zeal, and he was surrounded by associates whose abilities and experience demanded of him his best efforts. His many years of active practice, his wide experience at the bar, at Circuit, and at General Term, above all his habits of industry and patient research, were of the greatest service, and enabled him to achieve distinguished success as a jurist. The record of his judicial work will be found scattered through eighty volumes of the Supreme Court and fifty-four volumes of the New York Court of Appeals reports. Having, on May 16, 1886, attained the age of seventy, he was retired under the limitation as to age fixed by the constitution on December 31 of that year. He was succeeded in the Court of Appeals by Hon. Rufus W. Peckham, who is now a Judge of the Supreme Court of the United States, and was a son of Judge Rufus W. Peckham, whom Judge Miller succeeded in office.

Judge Miller possessed unusual ability in passing upon questions arising in cases involving the construction of wills, and opinions of

his have settled the law as it now stands on some points.

During the last two years of his judicial service he was called upon to meet a trouble which demanded the exercise of patience and heroic endurance. His eyes, which had served him so well in the past, began to trouble him and his sight to fail. He would not yield, but by increasing his working hours, and with the assistance of a stenographer, he continued to perform his official duties, and, although almost wholly deprived of sight, he was able to do his full portion of work, and, as some of his brother judges and distinguished lawyers have declared, accomplished during this period some of the best work of his life.

After his retirement he spent most of his time at his old home in Hudson, and there, amidst surroundings to which he had always been accustomed, he lived a quiet, dignified life, occupying himself with his correspondence, the management of his property, and in keeping well informed as to the affairs of the day. He had before him the certainty that his sight, which was gradually growing more dim, would eventually quite fade away, and when the blindness which darkened the last three years of his life came, although the affliction seemed one

almost too hard to bear, he still retained his former cheerfulness, energy, and activity, and, almost to the end, August 18, 1895, he enjoyed his life, his mind being clear and active, although his sight was gone and his body enfeebled by the weight of years. He died of no particular disease—the machinery had worn out.

He well fulfilled his duties in whatever sphere he was, whether in his home, among his friends, or in the public walks of life.

He married a daughter of Peyton N. Farrell, Esq., who was a retired merchant and resided in the town of Greenport in Columbia county. His widow, a son and a daughter survive him.

## AARON J. VANDERPOEL

AARON J. VANDERPOEL'S father was a brother of James and Aaron Vanderpoel, and a physician of skill and wide reputation, and actively interested in politics. He was most liberal in the education of his sons. Samuel O., the eldest, after graduating at the University of New York, studied medicine with his father at Valatie, and graduated at the Jefferson Medical College in Philadelphia. He was afterwards sent to Paris to pursue his medical studies, and remained three years. He became a distinguished physician and practiced in Albany, was twice Surgeon General of the State, the last time in 1861. He was appointed Health Officer of the Port of New York in 1872, which office he held for many years, and at the expiration of his last term he removed to New York, where he subsequently died, having accumulated a large fortune.

Aaron J., the subject of this sketch, received his education at the Academy in Kinderhook and the University of the City of New York,



AARON T. VANDERPOEL.





graduating in 1843. He studied law in the office of Tobey & Reynolds in Kinderhook, and in the office of William Curtis Noyes in New York. On being admitted to the bar, he passed so brilliant an examination that a most successful career was predicted for him. He was a short time a partner of J. Bryce Smith, and then became a member of the celebrated firm of Brown, Hall & Vanderpoel. His success as a lawyer was preëminent, his great strength, mental and physical, enabling him to accomplish an almost incredible amount of work. His memory was wonderfully accurate, and he had a wide experience, especially in corporation law. He was employed in numerous cases of the first importance, and received many large fees. His arguments before the Court of Appeals were for several years more numerous than those of any other lawyer in the State. He was a consistent Democrat, and a firm Unionist, and during the Civil War was frequently summoned to Washington by President Lincoln, who often consulted him. He was one of President Johnson's private counsel during his trial for impeachment. The degree of LL.D. was conferred upon him by the University of New York in 1880.

Mr. Vanderpoel was enthusiastic about the

Holland Dutch, and his native town, the country round about, the village of Kinderhook and its people, all had a high place in his affections. After the death of Dr. Beekman he purchased the latter's beautiful home, the old Van Schaack house in Kinderhook, and used it until his death as a summer residence. His widow still lives there during the summer months.

Mr. Vanderpoel was a man of simple tastes and most generous impulses. The assistance and encouragement he gave his friends cannot be measured. He manifested a peculiar affection and loyalty towards them, and possessed the power of discerning just when and how he could most benefit them; they were apparently never out of his mind, and he naturally was beloved by those whom he honored with his friendship. One seldom finds combined in one person such a noble nature and mental gifts of so high an order.

During the last summer of his life he went to Europe and traveled in his beloved Holland and elsewhere. To a very close friend, whose health was broken, he wrote with frequency, and by almost every steamer came newspapers from the places he visited, which, after his sudden death in Paris, for a time continued to come—bringing profound sadness to one who felt he had

lost his best and truest friend, in whom he had found united all one could ask for in a friend. Truly Aaron J. Vanderpoel was a man his family may revere as the noblest of his race, and his native county may point to with pride.

He died August 20, 1887.

# THE ANTI-RENT WAR<sup>1</sup>

BY THEODORE MILLER

COLUMBIA COUNTY has been signally distinguished in the history of the State of New York from an early period, for disturbances by reason of manorial tenures of agricultural lands, held under grants from the Crown of Great Britain, and the Governors of the Colony of New York.

As early as 1750 a series of violent and unlawful proceedings was commenced and continued for many years on the Eastern border of the State, which have been considered to some extent as originating from the dispute which arose as to the boundary-line between New York and Massachusetts; it is by no means clear but that this was unlawful conduct of the occupants of land, who desired to relieve themselves from the payment of yearly rent to those claiming patents embracing the lands

<sup>1</sup> This paper was prepared by Judge Miller after he had retired from the bench and had lost all use of his eyes.

where the disturbances existed, which, it was asserted, had been obtained by fraud. These outbreaks continued for many years, and in the conflicts between the belligerents a number of persons were killed, and at times the military was called out, and several proclamations were issued by the Governor of New York in regard to the outrages that had been committed. For a time comparative quiet reigned. After the Revolution the disturbances again broke out with armed resistance to the law, and culminated in the shooting of the Sheriff of the County,<sup>1</sup> who was killed while engaged in the discharge of his official duty on the 22d of October, 1791, in a locality called Nobletown, in the Town of Hillsdale.

The proprietors of these grants at an early day entered into contracts with the tenants of the land for leases of the same, containing covenants and conditions by which the latter bound themselves to perform certain services, and to deliver to the landlords products of the soil in payment for the use of the land, annually, at specified times and places.

In the Van Rensselaer patent, so called, which covered several towns lying east and north of

<sup>1</sup> Cornelius Hogeboom, the grandfather of Hon. Henry Hogeboom.

the City of Hudson, the grants were in perpetuity. Most of the lands in this patent had been disposed of by the landlords and were held by absolute owners, a very small portion remaining under the old leases, and as to these, there were no disturbances or unlawful interference within its precincts.

The Livingston grant, which adjoined the Van Rensselaer patent on the south, was made in 1684 and 1685, and was patented as a manor in 1686. It extended several miles along the Hudson River and easterly to the Massachusetts line, and contained one hundred and sixty thousand two hundred and forty acres. In 1710, Robert Livingston, in consideration of 266 pounds sterling, conveyed to Queen Anne six thousand acres of this land, which included the Town of Germantown, for the occupancy of the German Palatines. In the Livingston patent the leases were for one or more lives, as might be agreed upon, they were somewhat in the nature of feudal tenures, and required the delivery, by way of rent, of a certain number of bushels of wheat at the mill or place designated by the landlord, a certain number of fowls, and the performance of a specified number of days riding by the tenant. They reserved all streams and mines, restricted the right to cut wood, and

contained a provision for a payment to the landlord, in case of any sale, of one quarter or one tenth of the amount of the consideration money paid.

The restricted covenants and conditions in the leases were regarded by many as onerous and calculated to prevent a full enjoyment of the land and of the improvements made by the tenant. In case of the dying out of a life or lives named, the whole estate became forfeited to the landlord, and, as a consequence, improvements on the farms in the Livingston manor were not as extensive as they would have been if the land had been held in fee. In fact, the difference between the appearance of the country where the title to the land was held under a leasehold tenure containing the objectionable covenants referred to, or where the lands were held in fee, was very manifest. In the former, tenements and buildings were cheaply constructed, and the cultivator of the soil evidently had in view that by the possible death of the life or lives on which the leases depended he might suddenly be deprived of all his interests in the land, compelled to purchase the same or to seek a home in a different locality. In the latter, the buildings were constructed in the most approved manner, the land cultivated with

great care and attention, the most recent inventions and improvements used, and the greatest thrift and prosperity shown.

No finer country exists in the State than can be found in the hills and valleys which constitute the great bulk of the farming lands of Columbia county. With the Berkshire Hills and the Taconic ranges of mountains on the east, the noble Catskills on the west, and on the north, in the dim distance, the Green mountains of Vermont and the White Hills of New Hampshire, the scenery in this region of country is grand, beautiful, and impressive, and almost beyond the power of language to describe. An area of country is presented to the eye consisting of a great variety of soil and views unsurpassed by any other in the same altitude within the vast limits of the United States. The farmers are remarkably thrifty and prosperous, living in good style, possessed of most of the comforts and luxuries of life, and many of them have paid for their farms and are quite wealthy and have money invested at interest. There was, fifty years ago, a striking contrast between the lands belonging absolutely to the owners in fee and the tillers of the soil who occupied and cultivated leased lands. The sale of the latter by the proprietors, to a very large extent,



has done its work, and with the progress of time has changed the leasehold tenures, which in some of the towns constituted as valuable real estate as any which existed within the county, and now present an entirely different aspect.

In the fall of 1844, immediately after an exciting Presidential election, when the agricultural population of this region had quietly settled down to the enjoyment of a bountiful harvest as a reward of their labors, and there was nothing to disturb the even tenor of their lives; when peace and contentment prevailed in almost every household, and no opposing elements seemed to exist to interfere with the prosperity and happiness of the inhabitants, whispers of discontent, coming from organizations at a distance formed to resist the payment of rent and the tenure by which the land was held under similar patents in other counties, began to be heard. Through emissaries holding meetings in different localities, at which the rights of the tenants were presented and discussed with strong appeals to their interest, they were advised to take matters in their own hands and by forcible and unlawful means to redress the wrongs which it was claimed existed under the leasehold tenures. Some, if not all, of these speeches, being of the most inflammatory char-

acter, appealing directly to the passions and prejudices of the tenants, could scarcely fail to arouse them to a deep sense of wrong and injustice, and create a great degree of excitement and bad feeling. They fanned a flame which, having been lighted, spread throughout the anti-rent district, so called, with great rapidity, and kindled a spirit of resistance in the hearts of many of those who held under the objectionable leasehold titles. Quiet farmers and peaceable citizens were converted into ardent advocates of the pernicious doctrine which had been inculcated and spread abroad, and considered themselves oppressed beyond endurance by the covenants and conditions which the tenures under which they held their titles imposed upon them, and were ready and willing to stand up in defence of their supposed rights, even to the extent of using force and preventing the execution of the process of the law. The titles to the land and the right to collect rent by the landlord were most zealously disputed, and a resort to violence was justified by the supporters of anti-rent theories. Secret organizations were formed by the tenants in different localities to contest the rights of the landlords by unlawful resistance to the officers of the law in the exe-

cution of legal process. Bands of men armed and disguised and masked, called "calico Indians," were formed for the purposes in view, which were understood and openly avowed. A feeling of apprehension and alarm began to prevail in regard to the combinations and conspiracies thus formed to trample upon the law and disregard the rights of individuals established by contract and sustained by judicial authority.

The sheriff of Columbia county, Henry C. Miller, had in his possession processes to serve, among which was a warrant of distress for rent against a tenant in the Livingston Manor in the town of Copake, and had advertised the property for sale according to law. On the 12th day of December, 1844, he proceeded to the village of Copake Flats for the purpose of selling the property levied upon, and on his arrival he found a large concourse of people, some one or two thousand, assembled together, and among them were some three hundred with masks on their faces, disguised by calico dresses in imitation of Indians, many of them carrying in their hands deadly weapons. They were noisy and disposed to be riotous and disorderly, and evinced a determination to resist this high officer of the law and prevent the exe-

cution of his process. He sought to allay their excitement, advising them that their conduct was unlawful, and they would be rendered amenable to prosecution and punishment if they carried out their purposes. His remonstrances were of no avail, and the disguised men formed into a procession, marched and countermarched under their leaders, Smith A. Boughton and Mortimer C. Belden, who were called respectively Big Thunder and Little Thunder, and finally surrounded the sheriff. After some remarks, Big Thunder demanded that he deliver up to him the papers which he had in his hands to execute. This he refused to do, insisting upon his right to sell the property, and declaring that he would carry out his intention to do so. The demand was again repeated, guns and pistols were raised and pointed at him, and he was threatened with violence and death in case of his refusal to comply with the demand of the lawless men who surrounded him; and finally the papers were forcibly taken from him. Another speech was then made by Big Thunder, the leader, and the papers were burned and destroyed in the presence of the sheriff, the Indians at the time singing anti-rent songs and assuming the most threatening attitudes, and showing a determination to injure the officer of

the law whom they had taken in custody. He was released and forced to depart with his process unexecuted and destroyed, and return home.

The strange and unlawful proceedings soon became generally known, and presented the question whether the laws of the land could be enforced and those engaged in their violation punished and brought to justice for the high crime they had committed. The perpetrators being in disguise, with their faces masked, it was difficult to identify them at the time, and until events, as is usually the case when crime has been committed, should develop evidence of their guilt. This period was not far distant, for soon afterwards, on the 18th day of December, 1844, another assemblage met at a place called Smoky Hollow, in the town of Claverack, about six miles directly east of the city of Hudson, consisting of armed and disguised men, under apparently the same leaders, who engaged in marching and countermarching, firing of guns and pistols, and other noisy demonstrations in imitation of Indians, in the midst of which a young man by the name of Ryfenburg was accidentally shot and killed. This created dismay and terror among the assembled crowd, and they soon dis-

persed and left for their homes. The news reached the authorities at Hudson about three o'clock in the afternoon. It was communicated to the District Attorney, Theodore Miller, who immediately sent for the sheriff, and upon consultation with one of the most prominent citizens and distinguished lawyers in the county, Joseph D. Monell, Esq., it was determined that immediate action should be taken to inquire into the matter, and these gentlemen, having sent for a carriage, drove to the place where the tragedy occurred.

While proceeding, they met on the road one of the sheriff's deputies and another person in a wagon, who had a short time previously left the place where the Indians held their meeting, and where the man already named was shot and killed, and learned from them the particulars relating to the transaction. At the request of the sheriff these persons turned about and accompanied him and his party on their way to Smoky Hollow. Upon their arrival there, they found the multitude that had previously assembled had dispersed and only a few stragglers remained on the ground. Having left the carriages, the sheriff and those with him proceeded to the hotel close at hand, and there learned that some of the Indians, consisting of their leaders, were

in a large room in the house used for public and other assemblages. They entered this room, and the sheriff immediately recognized one of them as Big Thunder, the leader of the disguised men who had surrounded him and forcibly taken and burned his papers at the Copake meeting. With him was a man called Little Thunder, and also a third person, who was evidently associated with them, and their weapons, swords, pistols, and disguises were close at hand. The sheriff arrested these persons, who immediately attempted to escape; he pursued them out of the house, across some swampy land one or two hundred yards, when they were seized by the sheriff and his associates, one of the prisoners having at the time a pistol which he threatened to fire at his pursuers. After the announcement of the sheriff that they must go with him to Hudson, they finally surrendered.

Big and Little Thunder, with their accoutrements, were taken to the carriage in which the District Attorney and sheriff came, and the other to the wagon of the deputy. They were driven to Hudson and the prisoners lodged in the county jail. The sheriff and his party were at the time in a neighborhood where there had recently been a large assemblage of

armed, disguised, and masked men and their sympathizers, who had evinced a recklessness which caused the death of one of those present, and some of whom were still lingering in the vicinity and perhaps at a moment's call might be ready to defend their leader and rescue him from the clutches of the law. The movements were, however, so rapid that no time was given to notify those who sympathized with the prisoners. The arrests were made with great skill, and displayed a courage and tact worthy of the occasion. The incarceration of the prisoners at so early a period after the commencement of their illegal gatherings was quite unexpected, and caused great excitement and dismay among their friends and sympathizers.

The anti-renters were not, however, to be turned from their purpose by a temporary interference with the object in view, and with renewed zeal they rallied and sought to avert the effects of the fatal blow which their cause had received by the arrest and imprisonment of their leaders. The war had thus begun between the authorities and the guilty violators of the law, and the issue arose whether open violence, riotous conduct, and lawlessness could succeed in preventing the enforcement of legal rights. The malcontents threatened to rescue the prisoners



from the custody of the law, and evidence subsequently given showed that a plan was in contemplation to concentrate a large body of anti-renters from the vicinity and adjoining counties, having in view the discharge of the prisoners from jail. The whole community was alarmed at the gloomy state of affairs, and an armed body of men was organized to protect the jail from a contemplated attack. Citizen soldiers with muskets, under military commanders, paraded the streets of Hudson, the county seat, and there was a general feeling of apprehension at the prospect in view. Under the direction of the State authorities, several companies of infantry from Albany and one company of cavalry from New York came to Hudson to aid in the maintenance of the law, and very soon several hundred soldiers were encamped near by, to assist the officers in making arrests and in preserving peace, and the whole town wore the appearance of a military encampment.

After a lapse of several weeks a military organization of one hundred men was formed, under the command of a former officer of the United States army. These warlike preparations continued most of the winter, and until all manifestations of danger had disappeared. It was not safe for the sheriff's officers to

travel through the infected districts in the performance of their duty, and on two different occasions deputies had been fired at and wounded. The military were employed to aid in making arrests, to guard the county jail, and in protecting the officers while engaged in the performance of their duties. The facts and the circumstances attending the rebellion against the law showed the necessity of such assistance. A large portion of the anti-rent region was substantially in a state of insurrection, and a most hostile and bitter feeling prevailed towards all who opposed the anti-renters. In several counties near at hand, numerous organizations existed which threatened armed resistance to process issued for the collection of rent and in support of the title of the landlords. There were assemblages of these men, disguised, masked, and armed, and it was well understood that their feelings were warmly enlisted in behalf of their neighbors in Columbia county.

In the county of Delaware, a deputy sheriff was shot and killed while executing a process against the anti-renters, the whole county was thrown into excitement and declared to be in a state of insurrection, and upon trial, two persons were convicted of murder and sentenced to be executed, although such sentence was after-

wards commuted to imprisonment for life. Great disaffection generally prevailed among the tenants of manorial lands in localities where they existed, and much trouble was anticipated.

This state of things was a subject of grave consideration and anxiety to the State authorities, and it was deemed essential that no lawful means should be spared to punish the offenders and bring to justice the perpetrators of crime. Silas Wright, the Governor of the State at that time, in his annual message had taken strong grounds in favor of sustaining the laws, while at the same time recommending certain measures of relief; and it became a grave question whether law and order would prevail and the officers of the law be protected in the discharge of their duties. This serious aspect of affairs exercised a controlling influence over the action of the State and local authorities in Columbia county in the precautions taken, and in the strong measures adopted to protect the county jail and suppress the existing spirit of rebellion.

The prisoners arrested, after an examination, were committed to the county jail to await the action of the Grand Jury, and an act of the Legislature was passed authorizing the holding of a Special Court of Oyer and Ter-

miner to take cognizance of the offences charged. This was convened, and indictments were found against Boughton and Belden for the robbery of the sheriff at Copake, and against a number of individuals for conspiracy to prevent the collection of rents, and also for the killing of Ryfenburg at Smoky Hollow. The prisoners were arraigned, and pleaded not guilty to the indictments against them, and the time being insufficient to prepare for the trial of the same at that court, they were ordered to be sent to the next Court of Oyer and Terminer, to be held in the month of March following, at which time Boughton was placed upon trial before Judge Amasa J. Parker for the crime of robbery in the first degree in forcibly taking from the sheriff at Copake the legal process which he had in his hands to be executed.

The Attorney General John Van Buren assisted the District Attorney Theodore Miller in the prosecution, and the prisoners were defended by Ambrose L. Jordan and James Storm. The empanelling of the jury and trial lasted two weeks, and resulted in a disagreement after the jury had been out for a long time. It was stated that they stood ten for acquittal and two for conviction. A sufficient time evidently had not elapsed to develop and bring out the truth,

and to identify the prisoner Boughton as the person who had led the band of armed and disguised men who had surrounded the sheriff, and, by means of threats and violence, obtained from him the process which he was proceeding to execute. Although the sheriff testified, with great distinctness and positiveness, that the prisoner was the man who had committed the offence, and was corroborated by other witnesses, numerous persons were called on behalf of the defence who swore to facts tending to prove an *alibi*. It was very evident from the subsequent history of the affair, and the subsequent conviction of Boughton, that these witnesses were influenced very much by their prejudices and sympathy for the accused parties. It is charitable to conclude, at least, that they were laboring under a very great mistake. There was also a strong sympathy aroused throughout the region of country affected in favor of the prisoner; and it is not unreasonable to conclude that this may imperceptibly have had its effect on the minds of some of the jurors who came from that section of the county, and were neighbors of some of the tenants. It may also be remarked that in empanelling the jury perhaps due attention was not given to that careful examination as to their

impressions and prejudices, which is absolutely essential when the public mind is excited and a wide difference of opinion exists upon questions of public interest, which lie at the very foundation of the crime committed. The counsel on both sides were content to allow some men on the jury who were apparently fair-minded and honest, without giving much attention to their surroundings, by which they might possibly be influenced and biased in considering the case.

The failure of the prosecution to convict was disheartening, and created gloomy apprehensions as to the ability of the authorities to maintain law and order. The disagreement of the jury, and so large a preponderance in favor of the prisoner, also gave encouragement to the offenders and their friends, and aroused hopes that another trial would result in a triumphant acquittal. The trial of the indictment was necessarily postponed until another court. In the meantime the authorities never faltered in the discharge of their duties; numerous arrests were made, and the District Attorney was vigilant and untiring in his efforts to develop the facts and bring out the evidence which would establish the guilt of those who had participated in setting the laws of the land at defiance. As time rolled on the course of events revealed

testimony of the greatest importance, and many who had stood aloof by reason of their sympathies were ready to take the stand as witnesses, and to testify to facts within their own knowledge which could not fail to fix the crime upon the guilty parties. Many also who had at the first outbreak allowed themselves to sympathize with the alleged grievances of the tenants, and to sanction quietly their bold defiance of the law, upon reflection, began to hesitate as to the propriety of the course they had pursued, and came to the conclusion that their duty as good citizens demanded their aid in bringing the offenders to justice. In the immediate vicinity of the Copake outrage a large meeting was held of intelligent and respectable farmers and others who at first were biased in favor of the anti-renters, which was addressed by two of the oldest and ablest lawyers in the county, Joseph D. Monell and Killian Miller, at which the whole subject was discussed, and all were convinced that redress of supposed grievances was not to be obtained by each man taking the law in his own hands and vindicating his own rights, and that it was the duty of every good citizen to uphold the law at all hazards. This assemblage had a most excellent effect in allaying the spirit of discontent which had been

awakened, and in restoring peace, order and good feeling among all.

The next court was held in the month of September by the Hon. John W. Edmonds, who had been recently appointed Circuit Judge by Governor Wright. He was a native of Hudson, and, having resided there and been engaged in a large and extensive law practice for many years, until he removed to New York City about eight years previously, was well acquainted with the locality, and on terms of familiar intercourse with many of the citizens of the county. He possessed a high order of ability, and was well adapted to preside in cases of great magnitude and importance. Upon the case being brought on for trial, the Attorney-General of the State, the Hon. John Van Buren, and Theodore Miller, the District Attorney, appeared for the prosecution, and Ambrose L. Jordan and James Storm, for the defence. Mr. Van Buren was at that time a young man of high standing at the bar, and of great promise as one of the rising lawyers in the State. Mr. Jordan was considerably his senior, had practiced law in Otsego county, where he filled the office of District Attorney for some years, and afterwards removed to Hudson, where for many years he took a prominent stand, and, un-



til his removal to New York a number of years previously, was considered one of the ablest members of the Columbia county bar. He was a man of large experience and great attainments in his profession, and had been signally successful in a number of criminal and other cases involving great interests.

The District Attorney and the public officials connected with his office had been vigilant and untiring in their efforts to obtain testimony, and a large number of witnesses were in attendance for the trial, and an extra panel of jurors had been drawn in view of the probable difficulty in obtaining a jury. The accused, who had been let out on bail some time previously, having been absent on one occasion at the opening of the court, was ordered into custody for the purpose, as stated by the judge, of commanding his presence at all times. The court commenced the important duty of empanelling the jury, and as the conclusion at which they might arrive depended very much upon the selection of fair-minded, honest, and impartial men, every juror was examined as to his qualifications, and much time was thus consumed. Triers were appointed by the court for the purpose of determining the competency of the jurors, and the proceedings went on slowly for several days.

It was apparent that considerable feeling had been awakened between the Attorney-General and the defendant's senior counsel, and that the Attorney-General considered that he was aggressive and overbearing and disposed to assume a position towards him personally which was not justified. Two days had passed along with manifestations of this feeling, and only two jurors had been obtained. Upon the third day of the trial, at the opening of the court, an event transpired, which might well result as a consequence of the existing feeling without any previous intention of the parties, and which might occur on the impulse of the moment between opposing counsel. Sharp words had passed, and a scene ensued which is rarely witnessed in a Court of Justice. The Attorney-General made an assertion in reference to some matter connected with the trial and Mr. Jordan said in reply, using a strong and abusive epithet, to the effect that what he said was false. The Attorney-General sat immediately in front of Mr. Jordan at a table within the bar, and incensed by this remark he, in the excitement of the moment, instantaneously threw back his right arm and struck Mr. Jordan with his elbow. Mr. Jordan returned this blow with his fist, striking Mr. Van Buren in the back of his head.

They both rose face to face, and blows passed between them. This scene occurred in a moment, and the sheriff, who was near at hand, and his deputies came and separated the combatants. The Judge ordered them to take their seats, which was promptly done, and directed the sheriff to take them in custody. There was an impressive and solemn silence pervading the court-room, not a whisper could be heard, and every one present was watching with intense interest the proceedings in progress.

The judge was calm, cool, and collected, and evinced great dignity and self-possession. No judicial officer ever met an occasion so sudden, so extraordinary, and derogatory to the orderly proceedings of a high Court of Justice, with more composure or a deeper appreciation of the duty imposed upon him. Serene as a summer's morn, in the stillness which pervaded the court-room, in impressive language, he said in substance to the offenders: This court has convened for the purpose of vindicating the law, and the highest law officer of the State and the eminent counsel for the defense are here to aid in that purpose; they have both been guilty of a violation of the law and thus cast reproach upon the proceedings had to enforce it; they are chargeable with a breach of the peace, and such

an act should not be allowed to pass without condemnation by the court. He then directed the clerk to enter an order to commit the counsel to the county jail for a period of twenty-four hours.

The Attorney-General and Mr. Jordan each arose and expressed their regret at the unfortunate occurrence, stating in substance, that it transpired while under excitement, and apologizing to the court for their conduct. Mr. Van Buren said that it should not occur again, and expressed the hope that this assurance and the apology would be received as a sufficient atonement and induce the court to punish the offence by imposing a pecuniary fine instead of imprisonment. The District Attorney said, that it seemed to him that the ends of justice would be answered quite as well by the substitution of a fine as a punishment instead of imprisonment; that the collision between the counsel had occurred in an unguarded moment, while under excitement, without any real intention of violating the law or interfering with that decorum which is essential in its administration; that the dignity of the court would thus be vindicated without inflicting upon the counsel the severe penalty of imprisonment in the county jail; that the county would be subjected to large expenses

and the trial of the case very much delayed by the adjournment of the court and he hoped that the sentence of the court might be modified accordingly. This was refused by the judge, and the court was adjourned until the following day. The imprisonment was not very severe, one of the counsel being assigned the parlor and the other the office of the sheriff, both being within the limits of the court-house.

The extraordinary interruption of the proceedings might well furnish a subject for reflection to all parties interested, in regard to the varying aspects attending a great trial, and the glorious uncertainty as to what might happen to the counsel engaged during its progress. The eminent counsel, who were temporarily incarcerated in consequence of this unexpected outbreak, occupied the highest position in the legal profession as well as in social life, and while their friends regretted the circumstances which had occurred, they nevertheless retained the same warm feeling of friendship which had previously existed and the confidence of the community.

The Attorney-General, on the following day, sent his resignation to the Governor, and Judge Edmonds, upon learning that fact, wrote a strong letter stating that the Attorney-General

had done nothing derogatory to his character as a gentleman, and was justified as a man of honor in resenting the gross insults which he had received from the opposing counsel. The Governor, upon consideration, refused to accept the resignation. The community generally regarded the affair as an ebullition of feeling on both sides, which occasionally happens between opposing counsel during an exciting trial, and were not disposed to pronounce a harsh judgment.

Mr. Van Buren, the Attorney-General at that time, was a rising man in politics as well as in his profession, and his friends expressed the opinion that he had only shown the proper degree of courage in resenting an insult, which was to be commended, and which would add to his popularity, and some of his very ardent admirers said, that in the distant future, in the event of his becoming a candidate for the Presidency, which was quite possible, his conduct in this affair might give him the votes of several Southern States. The relations between the Attorney-General and Mr. Jordan were not particularly affected by this professional conflict and, afterwards, when Mr. Jordan was elected Attorney-General under the Constitution of 1846, as Mr. Van Buren's successor, the lat-

ter wrote to him tendering any information which it was in his power to furnish in regard to the duties of the office, and Mr. Jordan replied in a corresponding spirit.

The court met on the following day and proceeded with the work of empaneling the jury from the original panel of one hundred drawn for that purpose. Some of the jurors were residents of the anti-rent region and naturally sympathized with their neighbors and friends who had become involved in the controversy, and others might well entertain apprehensions, if the verdict should be against the prisoner, that some injury might be done to them or their property. It was important, therefore, to exclude, so far as possible, from the jury any one whose sympathies or fears might in any way influence his determination. This was a task surrounded with difficulties and full of embarrassments, and the inquiry as to the competency of the several jurors covered much ground, and was necessarily protracted and tedious. The aim of the prosecution was to obtain fair-minded men, without any bias or prejudice, despite any improper influences and regardless of consequences. Men who would stand by the courage of their convictions as warranted by the testimony.

The prisoner was entitled to twenty peremptory challenges, and both parties had the right to challenge every juror for any cause which might possibly affect his judgment. The principal cause of challenge was on the ground of the forming or expressing an opinion as to the prisoner's guilt; each juror, therefore, was the subject of the severest examination and the closest scrutiny, and no effort was spared to elicit the truth as to the surroundings or anything which might affect his judgment. In no case where a jury was to be empaneled could the examination have been more thorough and exhaustive. The triers evinced great judgment, and properly excluded every man who lived within the precincts of the infected district. The process of obtaining jurors, who were qualified, dragged its slow length along for a period of two weeks before twelve good and competent men of approved integrity and qualifications were found to pass upon the case. The great struggle in the case on the part of the defense seemed to be to place in the jury-box some one or more persons, who, under no circumstances, would consent to render a verdict of guilty, and, at least, produce a disagreement, as had been done on the previous trial, which would have been equivalent to an acquittal, and thus defeat



the ends of justice. Various circumstances which transpired clearly indicated that such was the object, and it was somewhat remarkable to witness the apparent effort which was made to accomplish this purpose.

In the case of one juror, who had heard the examinations of those who had preceded him, it was manifest that there was clearly an intention to get him in the jury-box, notwithstanding he had formed an opinion and sympathized entirely with the anti-rent movement. He testified, in the most decided manner, that he had no opinion on the subject, that he was entirely indifferent to the matter, and that he had no sympathy or feeling which prevented his acting with impartiality. A most severe cross-examination failed to expose the real views which it afterwards appeared were entertained by him. There was a deep conviction in the minds of the prosecuting counsel that this person, who had a close and intimate association with the anti-rent party, was not a competent juror, and should be excluded. The District Attorney believed he would be able to prove, if he had the opportunity to produce the witnesses, that this man had not only formed and expressed an opinion, but had manifested the strongest sympathy in favor

of the anti-renters. It being late in the afternoon, the court was adjourned until the following morning. In the meanwhile officers were sent with subpoenas to the neighbors and associates of the juror, and on the following day six or more witnesses appeared in court and, being sworn, testified that they had heard him express opinions in favor of the anti-renters, and that he warmly sympathized with their cause. After hearing this testimony, the triers found that the juror was incompetent. The trial of this one juror lasted the whole of two days, and had he succeeded in getting into the jury-box, it is hardly to be supposed that he would ever have agreed to a verdict of guilty. The facts connected with the competency of this juror show the importance of exercising care in such a case, and that a little incident may sometimes change entirely the result of an important trial.

Another juror evidently bent upon getting on the jury, swore that he had formed no opinion, that he heard of the matters from some of his neighbors, but did not believe that what they said was true, although previously he had always regarded them as men of truth. The triers rejected him also. There were some other cases of a similar character, but, as the

result shows, it was impossible for any person who was biased in his opinions to enter the jury-box. It is proper to observe that at that time the question in regard to the disqualifications of jurors, by reason of having formed an opinion, had been in a somewhat unsettled condition, and in no previous trial in this State was the subject more fully presented, more critically examined, and more carefully disposed of, than in testing the qualifications of the jurors upon this trial. In a case then lately decided, *People v. Mary Bodine* (1 Denio, 147), it was held that the judge erred in holding on the trial, that an opinion, formed from a rumor or newspaper report, did not disqualify a juror, and, if the triers were satisfied that he could, notwithstanding, find a verdict according to the testimony, they should declare him competent, and it was decided at General Term in the Supreme Court that any opinion, however formed or fixed, disqualified a juror. The rule laid down upon this trial has been modified by section 376 of the Criminal Code, which has been construed in the case of the *People v. McQuade* (110 N. Y. 285), where it was held, that where a person, called as a juror, on a challenge for bias, testified, in substance, that he had an opinion as to the guilt of

the accused, which amounted to a conviction, formed upon a careful perusal of the testimony given on a former trial, and where his declaration of his belief that he could render an impartial verdict was not absolute, but was qualified by a doubt, that as matter of law, overruling of the challenge was error.

The jury having, at the end of two weeks, been empaneled, the case was opened by the District Attorney, and the trial proceeded for two long and weary weeks. The principal question was as to the identity of the prisoner as Big Thunder, who was the leader of the disguised men who surrounded the sheriff and took his papers. In reality there was no question in the opinion of honest and fair-minded men but that the prisoner was the man who took the lead in the commission of the crime charged. There was no doubt of his presence on that occasion, and that he came from a distant county, as a chosen chief in promoting the anti-rent movement, and all the surrounding circumstances tended to show that he commanded the armed and disguised assemblage when it resisted the officer of the law; but this person was disguised at the time, so that the ordinary observer could not well determine that he was the man. The officers of the law swore very posi-

tively that they recognized him as the offender, that they were in close contact with him for some time, had conversation with him, and an opportunity to make close observation, and that they identified him by his size, his voice, his eyes, his language, and his manner, as well as other marks not so strong.

One witness, a shoemaker by trade, testified that Big Thunder had boots on while in disguise which he identified as the same worn by the prisoner afterwards. Another swore that he was present when Big Thunder put on his disguise, and when he took it off, and that Boughton was the man. There was other testimony by persons present at the time, who were in disguise and turned state's evidence, establishing that the prisoner at the bar was the chief who officiated when the crime was committed. One man of great intelligence, who had been indicted and arrested, and who was chief among his associates and among the armed and disguised men at Copake, was present when Boughton put on his disguise, and came forward and gave positive evidence as to the prisoner's identity.

Another, who had fled the State, influenced by compunctions of conscience, came upon the stand and testified to his knowledge that the

prisoner was the man. The testimony of these accomplices all illustrates that when men conspire to commit crime there will be some, who, repenting of the wrong they have done, or under the influence of some selfish motive, will reveal the truth and expose their associates. A conspiracy to violate the law, by the commission of a criminal offence, however secret, well-guarded, or matured, carries within itself the elements of its own exposure and destruction. The ties which bind conspirators together in a common purpose of wrong-doing and crime hang upon a very slender thread, which is easily sundered by the power of truth and the demands of justice; and hence it is that conspiracies are rarely successful and generally fall to pieces from their own weight before the object intended is consummated. They cannot bear the light and the rigid scrutiny to which they are subjected in a court of justice upon the examination of the parties interested, and they invariably exhibit their inherent rottenness to the public gaze.

The only defense made by the prisoner was the futile attempt to prove an *alibi*, and it was painful to see men who had enjoyed a character of respectability in the community come forward as witnesses and testify that they had seen the

prisoner, at the time when the crime was committed, in citizen's clothes in places not far off. They were either mistaken, and allowed their feelings to control their judgment, or deliberately testified falsely. Other witnesses testified, in reference to the time when Big Thunder put on his disguise, stating facts showing that it could not have been the prisoner, and, to cap the climax of perjury committed upon the trial, near the close of the case, a burly blacksmith came upon the stand and swore to his presence when the chief put on his disguise and when he took it off, that he was a man of sandy hair and complexion, blue eyes, and in every respect different from the prisoner, who had black hair, dark eyes, and was of dark complexion. This seemed to be the consummation of a defense which had no foundation to rest upon, based upon perjury, and too transparent, in view of the testimony which had been given, to deceive any one. Soon after the adjournment of the court a warrant was issued for the last-named witness, and he only escaped arrest by fleeing from the State.

Mr. Jordan summed up the defense in his usual able, eloquent, and masterly style. He was a lawyer of no ordinary character, and his effort on this occasion added to the laurels he had won in a long and successful practice. The

summing up of the Attorney-General was one of the most eloquent and able efforts ever made before a jury in this State. It was a strong and clear presentation of the case of the prosecution, combining convincing reasoning and great eloquence, evincing an ability which he afterwards sustained at the bar and in his public speeches. The charge of the judge carefully presented the entire case to the jury in a clear and impartial manner, and after an absence of several hours, they returned with a verdict of guilty, and thereupon the prisoner was sentenced to imprisonment in the State prison, for the term of his natural life.

The case was one of the most remarkable and difficult ever presented in the courts of this State. It occupied four weeks and three days, the court sitting from 9 A.M. to 1 P.M., from 2 P.M. to 6, and from 7 to 10 P.M. or later, thus performing two or three times the amount of work usually accomplished daily at the present time, at the circuit. In fact, the trial occupied between two or three months in time according to the present mode of trying cases. The importance of the trial cannot be overrated, as it was a serious question whether the law could be enforced in the anti-rent localities and the power of the government strong enough to en-



sure its maintenance. If the State had failed, there is no calculating the consequences which would have followed. Lawlessness and violence would have prevailed and destroyed legal rights which the Constitution had guaranteed. There would have been no security in the enjoyment of vested rights, and parties claiming to be aggrieved might well have considered themselves justified in taking the law in their own hands, to redress real or supposed wrongs. With the strong feeling of prejudice existing in the locality, it seemed improbable that a fair and impartial jury could be found to try the case, and, uninfluenced by sympathy or improper feeling, render a just verdict. It was highly honorable to the court and to those who had charge of the prosecution, that justice and the law were enforced.

In no State in the Union, and in no country in the world, is the law more faithfully administered than in the State of New York. In cases of great public excitement where large interests are involved, and passion and prejudice rule the hour, the tribunals of justice breast the storm, and meet the crisis uninfluenced by surrounding circumstances. Judicial history shows that at the trial court, and on appeal, the course of justice is rarely swerved from its true purpose,

and, unmoved by public clamor and outside influences, courts maintain the law inviolate, and justice seldom fails.

In a subsequent sitting of the Court of General Sessions in Columbia county, there were several convictions for appearing armed and disguised, and for assault with intent to kill, and in resisting proceedings to take possession of farms by the landlord, and those who had violated the law met with the punishment they deserved. The result of the conviction of Big Thunder was that Anti-Rentism was crushed out in Columbia county, and it was followed by a conviction in Delaware county for the murder of a deputy sheriff. The backbone of the rebellion was broken, and, with the exception of a few violent men who burned barns and haystacks, everything was as quiet and peaceable as if there never had been any organized effort to resist the law. Peace reigned supreme in every hill, valley, and hamlet.

The landlords found that their investments were unprofitable, and at an early day mainly disposed of their interests to the occupants of the lands, thus removing all cause of complaint. Time and the ownership of the land in fee have done great work in transforming the lands into a better condition, and in promoting the pros-

perity of all who occupy them. In some of the counties there was much litigation, actions brought by the landlords to recover rents and to enforce forfeiture for its non-payment generally resulting in the defeat of the tenant. This served as a safety-valve to abate the excitement, while time and circumstances brought matters to a close.

The State election of 1846 resulted in the defeat of Governor Wright, and the election of his opponent, probably by means of the anti-renters who polled votes enough to turn the scale against him. Soon after his election, the new Governor, John Young, pardoned those who had been convicted for murder and other high crimes and were incarcerated in the State prison. The propriety of this step was at the time questioned. It is not, however, entirely clear that the course taken was detrimental to the public or productive of any serious consequences.

Mr. Wright's defeat was most unfortunate, as it retired to private life a statesman of the highest order of ability, because he stood by his sense of duty, and refused to lend his high position to destroy the sacredness of contracts which were guaranteed by the Constitution. He occupied a public position which could not fail to

excite the admiration and respect of all sound thinkers, and of those who were favorable to the maintaining of good order in the State. In his defeat he stood stronger than if he had been reëlected by the sacrifice of principle and right. It is said that he refused the offer of a nomination for the Presidency in 1844 because it would be inconsistent with the fealty he owed to his personal friend and political leader, Mr. Van Buren, and he only accepted a gubernatorial nomination to save the State for the Democratic candidate for the Presidency, and in so doing he followed the instincts of a noble character. After his election as Governor, he had no regard for his own personal aggrandizement. At this time he occupied the highest position as a rising politician and statesman, and had the prospect of attaining the greatest distinction in the nation, if his life had been spared. Soon after his retirement to his farm in St. Lawrence county, he was taken with a fit of apoplexy, and died almost instantly. This result was probably produced by the great change in his mode of life from the arena of political strife to agricultural pursuits. It is a sad commentary on the fortunes of public servants, that one of his high attainments and purity should be thus stricken down and the country deprived of his

services by the action of a mere faction because of a strict adherence to his sense of duty.

At the next Oyer and Terminer, after the conviction of Boughton, the Attorney-General, on behalf of the State authorities, after consultation, and with the approval of the District Attorney, moved the court that a *Nolle Prosequi* be entered on the indictment, for conspiring to prevent the payment of rent, etc., and the court after deliberation granted the motion. The propriety of this order could not be doubted. The indictment embraced a large number of persons of the highest respectability, who had been drawn into the movement by a sympathetic feeling with their neighbors, without any intention to make unlawful resistance to the collection of rents or disposition to violate the law. As soon as the developments indicated the illegal character of the organization to resist the officers of the law, and to use violent and improper means, most of these persons took no further part in the proceedings. In the meantime the disturbances were ended, and the action taken was well timed and appropriate, and such as the government might properly extend to those who had violated the strict letter of the law. It was a peace offering which had a most salutary effect in allaying the animosities which

had been aroused, and restoring a better feeling than formerly existed. It was generally conceded by the anti-renters that the local authorities, while enforcing the law, had dealt liberally with them, indeed much more so than they could have expected, and the abandonment of the prosecution had a salutary effect in restoring order in the community.

Under the authority of the Legislature, an action of ejectment was brought by the Attorney-General to test the title to the Livingston patent. A piece of woodland was selected in the town of Gallatin, in Columbia county, which had remained unoccupied and uncultivated from time immemorial. The case was brought on for trial at the Columbia Circuit in 1850 before Justice Wright, and occupied a number of days. The Attorney-General, the District Attorney, and Hamilton W. Robinson appeared for the people, and Killian Miller and Josiah Sutherland for the defendant. It was submitted to the Judge and afterwards argued with great ability by the Attorney-General and the counsel, and finally decided in favor of the landlord. No further proceedings were had in this case, and the decision remains unreversed. This case is reported under the title of *The People v. Livingston* (8 Barbour, 253).

An action of ejectment was also brought to recover possession of a farm in the Van Rensselaer patent in the town of Claverack, upon the ground of forfeiture by reason of a violation of a covenant in the lease providing for the payment of a quarter sale upon any sale made by the tenant of the same, and it was held by the highest court of the State that the covenant was void, as being in restraint of alienation, and that no action could be maintained. This case, entitled *De Peyster v. Michael*, is reported in 6 New York Reports, 467.

The leases in this patent were in fee with a reservation of rent and the covenants already stated; and the decision bore distinctly upon a similar covenant in leases of lands in the Livingston patent. The persons owning the fee in the Van Rensselaer Patent not many years prior to the anti-rent outbreak, had been called upon to surrender their lands to one of the Van Rensselaer heirs, upon the ground that the party conveying to them had only a life estate. The question presented was very intricate, and in apprehension of losing their farms they entered into an agreement for an arbitration, and paid a portion of their value, to settle the claim made against them. In an action subsequently brought by the claimant against *De Peyster* to

account for the back rents in the Supreme Court of the United States, it was determined that the claimant had no title. The payments made by the tenants were thus proved to be unjust, without any consideration, and were actually thrown away. They could not, however, be recovered, and there was no remedy for the loss.

After Boughton's discharge from State Prison, he returned to his old home in Rensselaer county, where he followed the pursuits of agriculture until his death, sometime during the year 1888. He occasionally visited Columbia county, and attended meetings of anti-renters, but engaged in no violation of the law. On one occasion he met the District Attorney at a political meeting, in one of the anti-rent towns. The interview was most cordial on his part, and he manifested apparently no enmity towards the officers of the law who had prosecuted him. In 1861 when the District Attorney was nominated for the office of Justice of the Supreme Court, Boughton visited Columbia county during the canvass, but made no opposition to his election. In fact, all resentment engendered by the prosecution had ceased, and many of those who were at one time most hostile to that official for his energy and zeal in enforcing the law, were among his warmest



friends and supporters, and on this occasion he carried the county by the large majority of 2500. Subsequently, in 1869, when a candidate for reelection, the same liberal spirit was manifested, and, in 1874, when running for a higher judicial position, Associate Judge of the Court of Appeals, he received the same flattering majority, and those who were formerly hostile remained his steadfast friends until the close of his judicial career of twenty-five years. They regarded him merely as performing an official duty, and manifested no animosity. The course which they pursued, illustrates that a public official, after the passions of men have had time to cool, and the excitement of the hour has passed away, rarely suffers from an honest and fearless discharge of his duty.

The organizers of the anti-rent movement had hoped to influence the members of the Legislature, but these officials were unable to discern any means by which they could invalidate the contracts which were contained in the leases of the tenants without doing violence to the Constitution of the United States, which prohibits the passage of any law impairing the obligation of contracts. The abolition of distress for rents which was within the scope of Legislative authority, of itself, was of but little avail, as that

remedy was seldom resorted to for their collection, and furnished no relief. The Constitutional Convention of 1846 was equally at a loss to find any suitable remedial measure, except the provision prohibiting leases of agricultural lands for more than twelve years. The contract of the tenant was a solemn engagement, binding and obligatory, and could not be impaired by any act of the Legislature or of the Constitutional Convention, and the written instrument between the parties established an insuperable barrier to any interference with vested rights.

In this respect, our laws differ from those in Great Britain, where the Constitution is such as time and circumstances have made it. The power of Parliament is omnipotent, and, where the public interest and the welfare and happiness of the community are involved, it can interpose its authority to regulate, even contracts, as has been recently done, by establishing a tribunal which has the power to reduce the amount of rent agreed to be paid by the tenants in Ireland when the same is too high, and operates oppressively.

The Land Court in Ireland has done something to relieve the tenant from extortionate and unjust exactions, and in a spirit of justice, re-

duced the rents to a lesser amount, and, as reported in some instances, to one half of the sum provided for in the leases. The fruits of a system of landlordism which has borne hardly upon the Irish agricultural population, can no doubt be relieved by the government, by the proper exercise of its legislative functions, thus saving the tenants from evictions, poverty, and distress, and the dire necessity of becoming inmates of the workhouse. It is no credit to the government of Great Britain, which prides itself upon its civilization and humanity, that it fails to devise means for the relief of the Irish people from the trials and troubles which they have borne for centuries, by the adoption of measures within the legitimate exercise of its functions or by granting to them a government of its own, as has been done to many of its colonies, and which every American must feel from the experience had in this country, can not fail to alleviate sufferings of the people, and tend to promote their prosperity and happiness. The measures of relief proposed for the Irish people have met the approval and honest support of Mr. Gladstone, England's most illustrious statesman of the present time, as well as of a large number of the most distinguished public men and the wisest and most enlightened minds

in the nation. If the British Ministry who now control the policy of that great country are unwilling to consent to the principle of Home Rule in the government of Ireland, they should at least devise and present some plan which would tend to relieve the people of that ill-fated country from the burdens which weigh so heavily upon them, and do something to restore peace and prosperity to the land.

The anti-rent disturbances which have been the subject of consideration, although confined to a limited territory, presented questions of great interest to the lovers of good government. They constituted an epoch in the history of the State which tested the wisdom and power of the constituted authorities to grapple with insurrection and rebellion successfully, and to maintain the laws for the enforcement of vested rights guaranteed by the Constitution. The incidents which transpired during their progress, and the action of the government in sustaining the laws and in bringing the offenders to justice, establish beyond question the inherent strength and capacity of republican institutions to meet great emergencies, and deal with transgressors justly, even where public prejudice and excited passions would lead to combinations of an insurrectionary character. No government

of the Old World could have encountered such a difficulty among its population, and subdued it with so little use of force, and without the sacrifice of valuable lives. The State was equal to the occasion, and owing to a firm administration of its laws, the spirit of the rebellion was crushed out without the loss of a single life. The events which transpired in connection with the anti-rent uprising demonstrated quite clearly that a land tenure, based upon the restricted and objectionable features which characterized manorial leases, was calculated to create discontent, disorder, and violence among the tenants, and was antagonistic to the spirit of progress and development which has so eminently distinguished the onward march of civilization in the nineteenth century, and cannot be upheld in this enlightened age. It was, in fact, injurious to the tenant, by repressing his enterprise and, with the small amount of income reserved to the landlord, the lands could not be held as a profitable investment of principal at a fair valuation. The movement presents one of the most interesting and instructive chapters in the history of the State, evincing its power to cope with the most formidable organizations by a firm administration of its laws through the quiet workings of its courts of justice, by sus-

taining their supremacy and thus vindicating the authority of the government. It also presents lessons of wisdom and experience worthy of remembrance for the instruction and guidance of public officials in case any similar crisis may arise at any time in the distant future.

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